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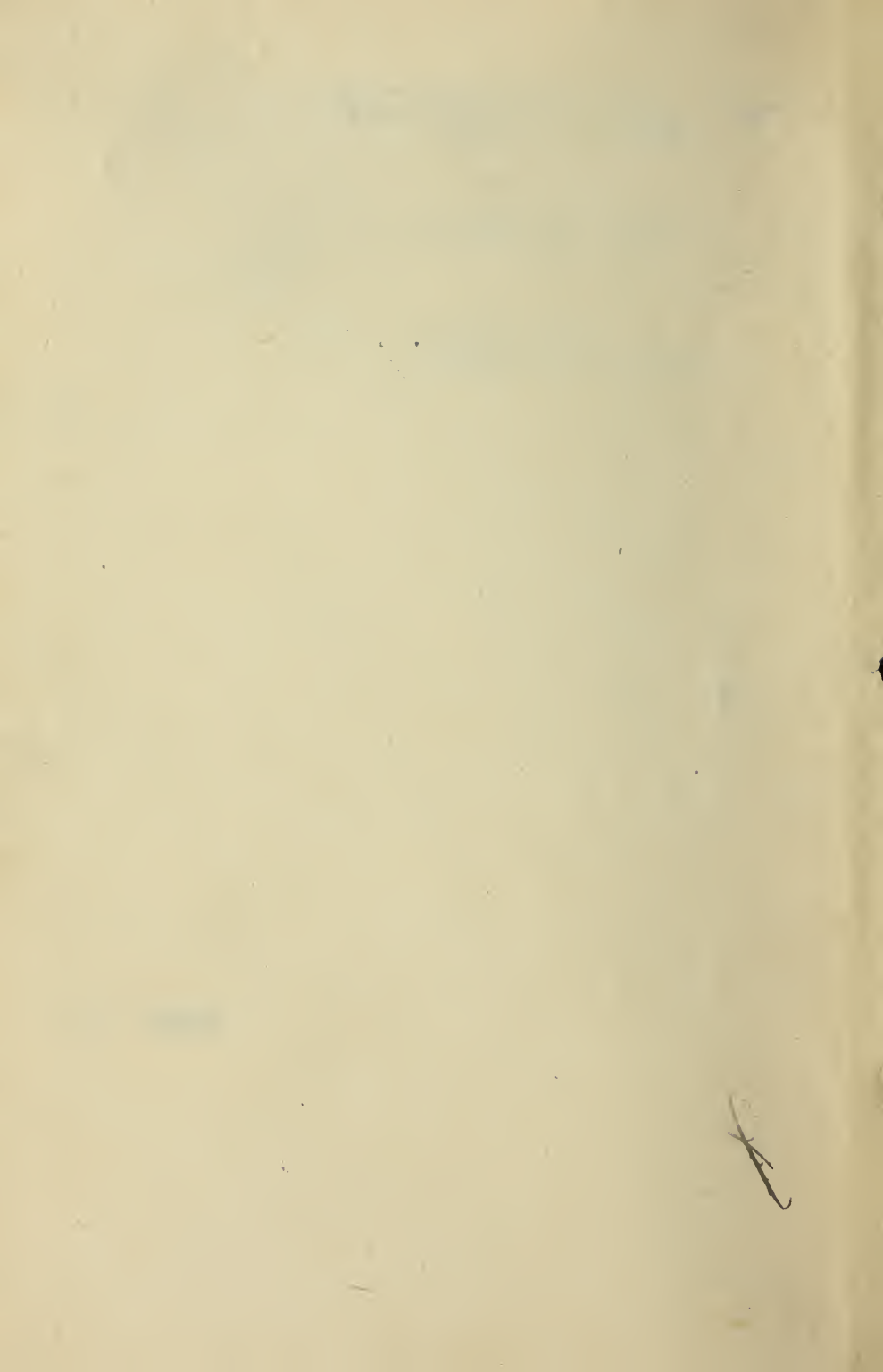
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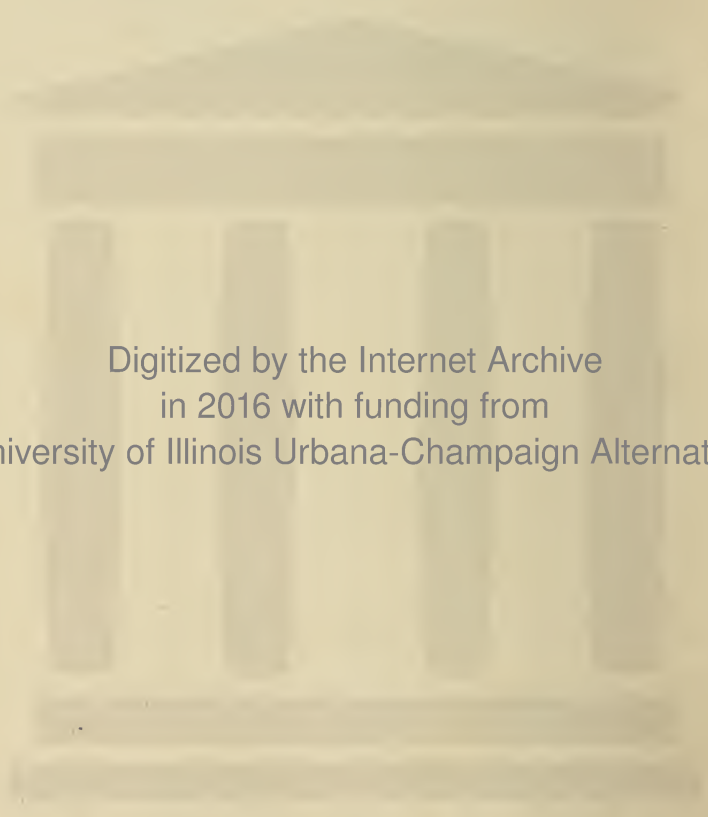
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A REVISED
CODE OF ORDINANCES

OF THE
CITY OF TUSCALOOSA.

TO WHICH ARE PREFIXED

THE ACT OF CONGRESS,
THE CHARTER OF THE CITY,
AMENDMENTS OF THE CHARTER,
ARTICLES OF THE STATE CONSTITUTION, ETC.

1885

PREPARED BY
WOOD & WOOD, CITY ATTORNEYS.

TUSCALOOSA, ALA.

1885.

MONT. I. BURTON, PRINTER AND STATIONER.

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MAYOR:

WILLIAM C. JEMISON.

ALDERMEN:

FIRST WARD, - - - WALTER C. HARRIS.
SECOND WARD, - - - WARFIELD C. RICHARDSON.
THIRD WARD, - - - GEORGE W. SIMPSON.
FOURTH WARD, - - - WILLIAM J. BARNES.
FIFTH WARD, - - - BERNHARD FRIEDMAN.
SIXTH WARD, - - - J. THOMAS GARNER.

BOARD OF EDUCATION:

WILLIAM C. JEMISON, PRESIDENT, *ex officio*.
FESTUS FITTS, EDWARD N. C. SNOW,
HICKMAN P. WALKER, EDWARD S. CHISHOLM,
FESTUS FITTS, SECRETARY.

E. RUSH KING, - - - MARSHAL.
WILLIAM A. COCHRANE, - - - TAX ASSESSOR.
ANDREW P. HOGAN, - - - TAX COLLECTOR.
ANDREW P. HOGAN, - - - SECRETARY.
FRANK S. MOODY, - - - TREASURER.
BENJAMIN H. HARDAWAY, - - - ENGINEER.
WOOD & WOOD, - - - CITY ATTORNEYS.

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ACT OF CONGRESS

GRANTING TO THE CORPORATION OF TUSCALOOSA CERTAIN LOTS AND PRIVILEGES OVER THE RESERVATIONS AND COMMONS IN SAID TOWN.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That* the right and title of the United States to the public streets, and to certain lots in the town of Tuscaloosa, set apart for public uses, and designated in the plan of said town by the name of the "Court Square," the "Market Square," the "Jail Lot," the "Spring," the "Church," and the "Burial Ground," be, and the same is hereby vested in the corporation of said town forever; and also all the right of the United States to the tract between the lots and the river at Tuscaloosa, called the "River Margin," and that called the "Pond," and also of that called the "Common," on condition, however, that the corporation shall not lease or sell any portion of the last mentioned tracts, but that the same shall be appropriated to the purposes for which they were designated and set apart, as well for the benefit of the inhabitants of said town, as that of those resorting to or visiting the same; and in case the same or any part thereof be applied to any other purpose, that it revert to the United States.

Approved, May 26, 1824.

THE CHARTER.

A N A C T

TO INCORPORATE THE CITY OF TUSCALOOSA.

SECTION 1. *Be it enacted by the General Assembly of Alabama, That all* that tract of land included within the following boundaries, viz: Beginning at the southwest corner of section twenty-two, in township twenty-one, of range ten west, and running east on the south boundary line of said section to the southeast corner, thence north on the east boundary line of said section twenty-two, to the northeast corner of the same, thence north on the east boundary line of fractional section fifteen to the low water line on the north bank of the Black Warrior river, thence west down the river along the low water line of its north bank to the point of intersection of the low water line with the west boundary line of secs. fifteen and twenty-two in township twenty-one of range ten west, and thence down the west boundary line of section twenty-two to the place of beginning, shall be designated and known by the name of the city of Tuscaloosa.

SEC. 2. *Be it further enacted, That the inhabitants residing within the limits of said city of Tuscaloosa, as in the first section of this act established, shall be and they are hereby constituted and declared a body corporate and politic, by the name and style of "the Mayor and Aldermen of the city of Tuscaloosa," and by their said corporate name and style, may sue and be sued, plead and be impleaded, either at law or in equity, in all the courts of this State. They may purchase, receive and hold personal and real estate, to any value, not exceeding one million of dollars, at any one time; using and disposing of the same for the city of Tuscaloosa only; and may grant and convey personal and real property, and do all other acts as natural persons; and said corporation may have and use a corporation seal, which they may alter at pleasure.*

SEC. 3. *Be it further enacted, That the Mayor and Aldermen now in office in the city of Tuscaloosa shall, between the second and fourth Mondays in November, 1873, divide and lay off the territory within the corporate limits of said city, into wards, containing, as near as may be, an equal number of inhabitants; and that the Mayor and Aldermen to be elected according to the provisions of this act for said city, shall, between the second and fourth Mondays in November of each succeeding year examine said wards; and if, in their opinion, it shall be necessary for more*

equal representation, make such changes in said divisions of wards as circumstances may require, so as not to increase the present number of wards above the present number of six.

SEC. 4. **Be it further enacted*, That the present Mayor and Aldermen of the city of Tuscaloosa shall cause an election to be holden on the first Monday in November, A. D., 1873, for a Mayor of the city of Tuscaloosa and for one Alderman for each of the six wards of said city. The election to be held at such place or places as said Mayor and Aldermen may determine; and said Mayor and Aldermen so elected, and each subsequent board of Mayor and Aldermen shall, in like manner, cause an election to be holden for Mayor and six Aldermen, each and every succeeding year.

SEC. 5. *Be it further enacted*, That the said Mayor and Aldermen shall give at least ten days notice of said election, by publication in some newspaper published in said city, of the time and place, or places, when and where it will be held; and the persons appointed by said Mayor and Aldermen as judges thereof, shall open the polls between the hours of nine and ten o'clock in the morning, and close them at 4 o'clock p. m., at such election.

SEC. 6. *†Be it further enacted*, All male persons shall be qualified voters in the election of officers and other elections held in said city, who are qualified by the constitution and laws of the State to vote for members of the State Legislature, and who reside in the corporate limits of said city; Provided, That any male person so qualified by the laws of the State, may also vote in said election, who does business within said corporate limits and pays city taxes on five hundred dollars' worth of real estate, located within the said city limits—he voting for aldermen only in the ward in which he may own the greatest amount of real estate in value.

SEC. 7. *Be it further enacted*, That any elector of said city, who is twenty-one years of age or upwards, shall be eligible to the office of Mayor or Alderman or Marshal; and should the Mayor of said city remove therefrom, or be absent for three months at any one time, without the consent of the Aldermen, his office shall be thereby vacated. And should any Alderman remove from the ward in which he was residing at the time of his election, or be absent therefrom for three months at any one time, without the consent of the Mayor and other Aldermen, his office is thereby vacated.

SEC. 8. *Be it further enacted*, That whenever any vacancy shall occur, either by death, resignation, refusal to accept, removal, or absence as aforesaid, in the office of Mayor or Aldermen, it shall be the duty of the remaining members forthwith to advertise and cause an election to be holden within ten days after such advertisement, to fill any such vacancy.

*Amended,—Acts of Ala., 1882-83, p. 202: *post*.

†Amended,—Acts of Ala., 1874-75, p. 433: *post*.

SEC. 9. *Be it further enacted*, That should two or more competing candidates for the office of mayor receive an equal number of votes, the aldermen chosen at the same election, shall determine which of said candidates, so receiving an equal vote, shall be mayor; and should any two or more candidates for aldermen receive an equal number of votes, at any election, the mayor elected at that election shall decide and declare which of said candidates so receiving an equal vote shall be alderman or aldermen, and the mayor and aldermen of said city shall provide, by ordinance, for the decision of any other tie than those aforesaid.

SEC. 10. *Be it further enacted*, That the election of persons declared to be elected mayor and aldermen, or marshal of said city of Tuscaloosa, may be contested by any qualified elector of said city, for any one or more of the following causes: 1st. Malconduct, fraud or corruption on the part of any inspector, judge, clerk, returning officer, or board of supervisors. 2nd. When the person whose election to such office is contested was not eligible thereto, at the time of such election. 3rd. On account of illegal votes. 4th. Any intimidation, threats to discharge from employment, offers to bribe or bribery, violence, abuse, or any other unlawful conduct calculated to prevent a fair, free and full exercise of the elective franchise.

SEC. 11. *Be it further enacted*, That any elector choosing to contest any election for any office mentioned in section 10, of this act, must, within fifteen days after such person is declared duly elected, present a statement of the grounds of contest verified by affidavit, as required in section ten, to the judge of probate of the county in which such election was held, who must appoint a day not less than fifteen nor more than twenty days from the time of such presentation for the trial thereof, and endorse the same on such statement; he must also, at the same time, give security for the costs of such contest, to be approved by such judge, but in no case shall the judge of probate require more than five hundred dollars as security.

SEC. 12. *Be it further enacted*, That a copy of such statement, with the day of trial endorsed thereon, must be served on the person whose election is contested, or left at his usual place of residence, at least ten days before the day appointed for trial, by any sheriff or constable, and the original notice returned to the probate judge with the mode of service endorsed thereon.

SEC. 13. *Be it further enacted*, After the notice required has been given, either party is entitled to subpoenas to compel the attendance of witnesses on the day fixed for trial, which must be issued on application by the judge of probate, before whom the contest is to be tried; the same proceedings may be had against defaulting witnesses as in matters litigated in courts of probate, such proceedings being returnable to any regular

court of probate held within three months after such proceedings are taken.

SEC. 14. *Be it further enacted*, That testimony may also be taken by deposition in such cases and in like manner as in matters litigated in probate courts. The witnesses and commissioners are entitled to the same compensation as in other cases; and the court may, for good cause, continue the trial to some other day, but no continuance must be over thirty days, and such trial must not be continued more than twice on the application of the same party.

SEC. 15. *Be it further enacted*, That the judge of probate has authority to make an examination of the ballots given in such election, on the trial of any contest thereof, so far as the same may be necessary to arrive at a correct judgment, and must be governed in the trial and determination of such contest by the rules of law and evidence governing the determination of questions of law and fact in the courts of law in this State, so far as the same are applicable, and after hearing the proofs and allegations, must give judgment, either confirming or annulling such election altogether, or declaring some other person than the one whose election is contested, duly elected.

SEC. 16. *Be it further enacted*, That if it appear that two or more persons have received an equal number of legal votes for such office, the trial of said cause must be temporally adjourned, and such result certified to the Mayor and Aldermen elect, who will give the casting vote as provided in section 9 of this act, and the casting vote being given, judgment must be rendered, declaring such person to whom such vote is given elected.

SEC. 17. *Be it further enacted*, That when the person whose election is contested, is proved to be ineligible to the office, judgment must be rendered, declaring the election void as to such person, and the person having the next highest number of legal votes shall be declared duly elected to the office.

SEC. 18. *Be it further enacted*, That when the election is declared void, or when any other person than the one whose election is contested, is declared elected, the party contesting recovers of the person whose election is contested, all costs, for which execution may issue, returnable to any regular term of the court of probate, within three months after its issuance.

SEC. 19. *Be it further enacted*, That in all cases when the contesting party is defeated, the party whose election was contested, recovers of him all costs, for which execution against him and his sureties may issue, returnable as in the preceding section.

SEC. 20. *Be it further enacted*, That the Mayor and Aldermen, at the regular meeting, or a called meeting, during the first week of November, of each year, shall appoint three judges, any two of whom may act, and

two clerks, whose places, in case of absence, shall be filled by the judges, to hold the annual election for mayor and aldermen of said city; and shall provide, by ordinance, for the advertising, holding, managing, and making returns for all elections of mayor and aldermen or other officer of said city elected by the people.

SEC. 21. **Be it further enacted*, That the Mayor and Aldermen before entering on the duties of their office, shall take the following oath before the judge of the probate court, or some justice of the peace of said county, to-wit: "I do solemnly swear or affirm (as the case may be) that I will well and truly, and to the best of my knowledge and ability, execute and discharge the duties of mayor (for the mayor) and of aldermen (for the aldermen) of the city of Tuscaloosa, as prescribed by this act, without favor, affection or partiality, so help me God."

SEC. 22. *Be it further enacted*, That when the Mayor, or either of the Aldermen of said city, shall be absent as aforesaid, with or without the consent of the remaining members of the board for a less time than that which renders either of their offices vacant as aforesaid, or when any vacancy shall occur in either of said offices, by death, resignation, refusal to accept, removal, absence as aforesaid, or in any other manner, those of said board at home and in office, shall make a temporary appointment, should they deem it necessary, of some competent person to act until the return of said absentee, or till the vacancy shall be filled by election.

SEC. 23. *Be it further enacted*, That said Mayor and Aldermen shall have regular stated monthly meetings, fixed by law by them to be ordained, and they, or a majority of them, shall have power to adjourn their meetings from time to time.

SEC. 24. *Be it further enacted*, That the Mayor may at any time call a meeting of the Aldermen for the transaction of any and all business, by written notice, designating the time and place of meeting, and on application of any two aldermen, the mayor shall call a meeting in like manner.

SEC. 25. *Be it further enacted*, That they may have a secretary, and they shall keep a journal of their proceedings, and record their official acts and doings, and the yeas and nays on any question or subject shall be taken and recorded at the request of any member of the board. The deliberations of the mayor and aldermen shall always be open to the public.

SEC. 26. *†Be it further enacted*, That there shall be elected by the qualified electors of said city at the time and place of electing the mayor and aldermen, a marshal for the city, whose term of service shall be the

*See Articles V., Cons. of Ala., and Acts of Ala., 1875-76, p. : *post*.

†Amended,—Acts of Ala., 1874-75, p. 433: *post*.

same with that of mayor and aldermen unless he is removed, dies, resigns, or otherwise vacates his office.

SEC. 27. **Be it further enacted*, That the Mayor and Aldermen, by a vote of two-thirds, may at any time remove from office the marshal of said city, and supply his place at once by a temporary appointment.

SEC. 28. *Be it further enacted*, That if at any time the marshal of said city shall die, resign, remove from said city, or be removed from office, then the mayor and aldermen shall order an election to fill the vacancy, and give ten days notice of the time and place of said election. In all elections for marshal the same rules shall be observed and laws given, as near as may be, as provided for in the election for mayor and aldermen.

SEC. 29. *Be it further enacted*, That the mayor and aldermen shall elect each year, in December, an assessor and collector of taxes for said city, who shall hold his office for one year, unless sooner removed, for cause, by the board of mayor and aldermen.

SEC. 30. *Be it further enacted*, That the two offices of assessor and collector may be held by the same person. The said assessor and collector shall assess and collect the taxes for said city of Tuscaloosa under such rules, regulations and by-laws as may be ordained by said mayor and aldermen, and is subject to removal from office for any misdemeanor or malfeasance therein, or neglect to discharge the duties of said office of assessor, or of collector, to be judged of and determined after notice to said assessor or tax collector, but removal cannot be made unless by vote of two-thirds of said board of mayor and aldermen.

SEC. 31. *Be it further enacted*, That all vacancies in said office of assessor or collector shall be filled by the mayor and aldermen.

SEC. 32. *Be it further enacted*, That the mayor and aldermen shall appoint such other officers as they deem necessary for the protection and good government of the corporation, and allow them, respectively, such compensation for their services as may be deemed reasonable and just. such officers so appointed may be removed from office at any time by the board.

SEC. 33. *Be it further enacted*, That the mayor of the city of Tuscaloosa shall have, and may exercise, all powers of a justice of the peace or notary public within the county of Tuscaloosa.

SEC. 34. *Be it further enacted*, That the mayor and aldermen of the city of Tuscaloosa shall have power to levy and collect annually a tax on real estate and personal property, within the corporate limits of said city, not to exceed in amount one per cent on the value thereof.

SEC. 35. *Be it further enacted*, That the tax on real and personal property be laid in proportion to the value thereof, according to an assess-

*Amended,—Acts of Ala., 1874-75, p. 433: *post*.

ment and valuation given by the owner or his or her agent on oath, or by the assessor of the city of Tuscaloosa, when said owner fails or neglects or refuses to give in the value of his property. The mayor and aldermen shall determine the amount of tax for each and every year.

SEC. 36. *Be it further enacted* That if any person think his or her property assessed too high, he or she shall have a right to complain to the mayor and aldermen, which complaint shall be made within thirty days from the date of said assessment; and upon complaint being made, the said mayor and aldermen shall consider the same, and if, in their judgment, said assessment is too high, shall reduce the same, and their decision on this subject shall be final and conclusive.

SEC. 37. *Be it further enacted*, That said mayor and aldermen may levy and collect a poll tax, annually, in said city, not exceeding the State poll tax.

SEC. 38. *Be it further enacted*, That the mayor and aldermen of said city shall appoint an overseer or overseers of streets, highways and public landings of said city, and shall require and regulate the working on the same, not exceeding ten days in each year.

SEC. 39. *Be it further enacted*, That the mayor and aldermen may exempt, at their discretion, from working the streets and highways, all persons living within the corporation liable by law to work on roads and highways, and require of such persons to pay an additional poll tax, not exceeding five dollars a poll on each one liable to work, by law, and they are authorized to levy and collect such additional poll tax annually, and it shall be assessed by the same officer and at the time and place of the general assessment of said city.

SEC. 40. *Be it further enacted*, That the mayor and aldermen shall have power to levy and collect taxes on the sales of goods, wares and merchandise, and on money hoarded, which tax shall be assessed at the same time and place as assessment of real estate. *Provided*, That no tax shall be laid on the sale of cotton as merchandise.

SEC. 41. *Be it further enacted*, That the mayor and Aldermen shall have power to levy and collect taxes on all auction and commission sales of goods, wares or merchandise, and to require monthly returns of the said sales.

SEC. 42. *Be it further enacted*, That all the taxes levied by the mayor and aldermen of said city, and assessed as provided by this act and the ordinances of the board of mayor and aldermen, shall have the force and effect of a judgment at law against the individual so assessed, and against the real estate assessed to all "owners unknown," and the lien of said judgment shall be of the same force and effect as if it had been recovered

in the circuit court of the county of Tuscaloosa. *Provided*, That no property shall be exempt from sale to pay said taxes so assessed in said city.

SEC. 43. *Be it further enacted*, That within sixty days after the assessor shall have completed the lists of the assessments and valuations, and the same shall be, if necessary, corrected by the mayor and aldermen, to be judged of by them, the mayor shall issue his warrant annexed to the tax list, to the collector of the corporation tax, which shall be his authority to collect the same. *Provided*, That each person liable to pay the tax on sales at auction and on commission, shall, on the first day of each month, give in under oath, the gross amount of sales of each preceding month, to the tax assessor, and tax collector shall collect the amount of tax so laid by the mayor and aldermen upon such sales. The failure or refusal of any person to make said return, each and every month, is a misdemeanor, for the punishment of which, the mayor and aldermen shall provide, with such penalties as they may deem proper.

SEC. 44. *Be it further enacted*, That it shall be the duty of the tax collector to give thirty days notice in some newspaper published in said city, that the city taxes for the year, (or the particular tax as the case may be) are required to be paid to him on or before a certain day specified; and if the same shall not be paid, to levy on the personal estate of the individual or corporation assessed, and to sell the same, or so much thereof, as shall be sufficient to pay the tax assessed, and two dollars as costs, one to the tax collector for the levy and sale, and one for advertising said sale in some newspaper published in said city, giving the day and place thereof, at least five days prior thereto.

SEC. 45. *Be it further enacted*, That if any real estate be assessed either to persons known or unknown owners, and the taxes or dues assessed thereon shall remain unpaid for sixty days from the time when the said taxes or dues are required to be paid, then the tax collector shall give notice by advertisement in some newspaper published in the city of Tuscaloosa, for four weeks, which notice shall describe the lot or lots, or part or parts of the same, by number, on which said tax was levied, and give the name of the person to whom assessed, or state that the owner is unknown, and also the amount of tax assessed, and what amount is due and unpaid on said property, and for what year or years it is due, and shall also state that the tax collector will, on a certain day, at some place within said county, proceed to sell each of said lots upon which the taxes and dues shall not be paid, or so much thereof as shall be sufficient to pay the same on the appointed day, and on such day, (unless the tax collector for good cause shall adjourn the sale to some other day, not longer than ten days from the time appointed,) and then on that day

shall proceed to sell any of said lot or lots on which the taxes over-due still remain unpaid, or so much thereof as will be sufficient to satisfy the taxes assessed, and two dollars as a fee for advertising and making a deed to the purchaser at said sale.

SEC. 46. *Be it further enacted*, That the tax collector shall give the purchaser, at tax sale, a deed in substance as follows: Know all men by these presents, that I,——, as tax collector of the city of Tuscaloosa, do hereby certify, that the city taxes for the year 18——, (or the particular tax as the case may be) being due and unpaid on a lot of land in said city, numbered in the plan thereof as lot number——, (or the east or west part of lot number——, as the case may be,) assessed for taxes as the property of ——(or to owner unknown,) I have this day sold the same (or such part as he may sell) to ——, who has paid the taxes and dues thereon, amounting to——dollars, including fee of two dollars for advertising sale and making this deed, and for and in consideration of the premises, and the said sum of —— dollars, to me paid, the receipt of which I hereby acknowledge, I do bargain, sell and convey, as tax collector, and by these presents have bargained, sold and conveyed to the said ——, the purchaser, the lot above described, together with all its appurtenances; to have and to hold the same unto him and his heirs and assigns forever, unless within two years from the date thereof the owner, or some person interested in said lot, or his agent or attorney, shall redeem the same. In witness whereof, I have hereunto set my hand and the seal of the said corporation, this, the —— day of ——18—, and to this deed the mayor shall affix the seal of the city of Tuscaloosa.

SEC. 47. *Be it further enacted*, That the mayor shall cause the secretary of the corporation, or such other person as may be charged with the duty, to record each of said deeds in a well bound book to be kept for the purpose before he shall permit the seal of the city to be affixed. The fee for such recording shall be fifty cents, to be paid to the officer doing the same, and endorsed on the deed.

SEC. 48. *Be it further enacted*, That the purchaser of any lot of land situate in the city of Tuscaloosa, and sold at any tax sale by the city tax collector, is required to have such deed acknowledged and recorded in the office of the probate judge of said county, in six months after the making thereof.

SEC. 49. *Be it further enacted*, That in any suit or action in law or equity, in this state, concerning the title or the possession of any lot of land situate in said city of Tuscaloosa, sold at any tax sale by the tax collector of said city, the deed made to the purchaser of said lot, in substantial compliance with the requisitions of Sections 45 and 46 and 47 of this act, shall be, by said court having jurisdiction of the cause, received as *prima*

facie evidence of a good and sufficient title, in law or equity, to the lot or lots of land conveyed in said deed, to the purchaser, or claimants under him.

SEC. 50. *Be it further enacted*, That any lots of lands or real estate which have been or may be sold for taxes in the city of Tuscaloosa, may be redeemed within two years from the day of sale, by any person interested therein, who will deposit with the city treasurer, for the use of the purchaser, the amount of the purchase money, including all costs of advertising, selling, making deed, and recording the same by secretary of the board and probate judge, with twenty per cent. per annum interest, together with all taxes that may be due to the city on said property, and upon such deposit, if made within two years from the day of sale, the title created by the sale and deed to purchaser hereinbefore provided shall cease and determine.

SEC. 51. *Be it further enacted*, That when the deposit mentioned in section 49 is made, the secretary of the board shall give the party making it a certificate thereof, to which the seal of the corporation shall be attached, for which said secretary shall receive a fee of one dollar; and upon granting said certificate, the purchaser at the tax sale, and claimants under him, shall relinquish possession; and if, after demand, any person shall fail or refuse to give up possession, they shall be considered unlawful detainers of said property, and shall be liable as such, in any assessment, action or suit therefor at the instance of any one entitled to the possession of said lot of land.

SEC. 52. *Be it further enacted*, That the secretary of the board shall, so soon as said deposit is made, notify the purchaser, and pay over to him the purchase money, and all other expenses about said sale and recording said deed, with the twenty per cent. interest thereon, and take his receipt therefor.

SEC. 53. **Be it further enacted*, That the corporation authorities shall have power to assess and collect a tax on any and all public shows, concerts, exhibitions, theatrical entertainments, menageries, circuses, and on any other public amusement, and the amount of taxes provided for by this section shall be fixed by the mayor and aldermen, and may be collected by license, or in such other mode as may be deemed best; *Provided*, That no tax shall be laid on any concert, exhibition, lecture, theatrical entertainment, or other public amusement which is solely for a charitable purpose.

SEC. 54. *Be it further enacted*, That the mayor of said city is a conservator of the peace within the corporate limits thereof, and it is his right

*Amended Acts of Ala., 1884-85, p. 322: *post*.

and duty to suppress all affrays, riots, unlawful assemblies, and insurrections, all lewd, indecent, profane, boisterous, riotous, or disorderly conduct, in any public place therein: to do which, he may summon to his aid as many of the male inhabitants residing in the corporation as he may think proper. He has full power to punish for contempt, under the same rules and regulations as are prescribed by the Revised Code of Alabama, in reference to the punishment for contempt by justices of the peace. He has full power to try all offences against the ordinances and by-laws of the corporation, without regard to the amount of the fine or forfeiture, and to punish the offender both by fine and imprisonment, in the manner prescribed by said ordinance.

SEC. 55. **Be it further enacted*, That the mayor and aldermen shall have power to suppress houses of ill fame, to restrain, prohibit and punish every species of vice and immorality, all disorderly conduct, affrays, assaults and batteries, and all other breaches of the peace within their corporate limits; to license, restrain and regulate billiard tables, ten pin alleys, pool tables, and all other tables and games of like kind, and to cancel and annul such; and all other licenses granted by said corporation; to restrain and prohibit racing and cock-fighting, and prohibiting gaming of any description within the corporate limits, and in general to suppress, restrain, prohibit and punish all acts, assemblages, or things within said corporate limits, injurious to the public health, or morals, or endangering the peace and good order of said city.

SEC. 46. *Be it further enacted*, That the mayor and aldermen shall have full power to declare nuisances, and to suppress, abate and remove them when so declared; to establish night watches, patrols and guards; to erect lamps; to compel the owners of houses and lots on the streets or squares of said city to pave with stone or brick the sidewalks opposite their lots, and to plant shade trees along the sidewalks in front thereof, and to protect by adequate penalties shade and ornamental trees in said city.

SEC. 57. **Be it further enacted*, That said mayor and aldermen shall have power to license, restrain, and prohibit the retailing of spirituous, vinous, and malt liquors within said city; *Provided*, Such persons as they may see fit to license, shall have first obtained a license from the county court and they may provide for annulling said license on complaint and proof of the abuse thereof.

SEC. 58. *Be it further enacted*, That said mayor and aldermen shall have power to establish and regulate markets and market-houses, to rent stalls, and prevent the sale of meat, fish, poultry and game, or other ar-

*Amended, Acts of Ala., 1884-85, p. 322: *post*.

articles usually sold in market-houses, except at the public market place during such hours as may be fixed for market hours, and to prevent and punish free stalling.

SEC. 59. *Be it further enacted*, That said corporate authorities shall have power to repair streets, drains, and landings, and to pass laws for keeping them in repair; also to widen, change, or make of uniform width, any streets now open, and to open new streets in said city; and to remove and prohibit encroachments on streets now opened, and the statute of limitations shall not prevail in any plea of adverse possession, when encroachments have or may hereafter be made.

SEC. 60. *Be it further enacted*, That in opening of any new street, or changing any street now open as laid down in the plan of said city, the said mayor and aldermen shall be controlled and governed by sections 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1811, 1712, and 1713, of part 2, title 2, chapter 2, of the Revised Code of Alabama, so far as they can be made applicable to such cases; and the said mayor and aldermen shall be entitled for said city to all the rights and privileges, granted in said sections to private corporations.

SEC. 61. *Be it further enacted*, That said mayor and aldermen shall have power to establish and regulate fire wards and fire companies, and to require owners of houses to keep ladders and fire buckets, to provide by ordinance or by law for the extinguishment of fire, pulling down houses, buildings and fences, to stop the progress of the same.

SEC. 62. *Be it further enacted*, That said mayor and aldermen shall have power to provide said city with a full supply of water, and for this purpose may dig wells and cisterns, build aqueducts, or erect and construct water works, or by such other means as they may deem best, so as to promote the health, cleanliness and safety of said city, and to preserve the houses and property of the inhabitants from destruction by fire.

SEC. 63. *Be it further enacted*, That said mayor and aldermen shall have power and authority to establish and erect gas works, for lighting said city with gas, and for this purpose, and also for the purpose of erecting and constructing water works, may contract for, hold, use and take the right of way, over, through, or upon any lands necessary, and if said corporate authorities cannot agree with the owners of said lands, as to their purchase, then said corporate authorities shall be entitled to all the benefits, rights and power of "an act to prescribe the mode of taking private property for railroads, or other purposes for public use, approved February 1st, 1870," or if said corporate authorities deem it advisable, they shall have power and authority to contract with any person or association of persons, or corporation, to light said city with gas, and supply said city with water. They shall also have full power to regulate all matters con-

nected with said gas works and water works, by them established, and to fix the price at which gas and water shall be supplied to the inhabitants.

SEC. 64. *Be it further enacted*, That said mayor and aldermen shall have power to establish certain limits in said city, known as "fire limits," and to prohibit and prevent the erection or construction therein of all kinds of wooden or other building or structures, except those erected or built of stone, brick, or safe and fire proof building materials, and the same shall be covered with slate, or metal or other fire proof roofing material; and shall have power to fix and prescribe such fines and penalties as they may deem proper to carry into effect the power conferred in this section, and to collect the same as other fines and penalties.

SEC. 65. *Be it further enacted*, That the mayor and aldermen shall have power to remove all unsafe buildings, dangerous to the persons or property of the citizens, and also all wooden buildings liable to endanger the property of others by fire, from that portion of the city known as "fire limits," and in which wooden and unsafe buildings are forbidden to be erected, when in their judgment they deem it best for the interests of said city; *Provided*, just and reasonable compensation is made the owner of said building for all actual damages he may sustain.

SEC. 66. *Be it further enacted*, That the mayor and aldermen shall have power to regulate, restrain, and prohibit the storage of cotton, powder, gun cotton, kerosene oil, and all explosive oils, nitro-glycerine, shucks, and hay, or any other combustible article, in greater quantity than is necessary for the retail trade, within certain limits in said city, to be by them fixed by ordinance, and the fine for a violation of said ordinance shall be fifty dollars.

SEC. 67. **Be it further enacted*, That the mayor and aldermen shall have power to license and regulate pawnbrokers, auctioneers, commission merchants, eating houses, restaurants, livery and sale stables, billiard rooms and tables; also to license and regulate hacks, carriages, wagons, drays, carts and horses running for hire, within the corporate limits; also to license lager beer saloons, lotteries, raffles and theatres; and also to license bakers, and regulate the weight and price of bread.

SEC. 68. *Be it further enacted*, That the mayor and aldermen shall have power to cause all vagrants, idle, disorderly, or dangerous and suspicious persons, all persons of evil life or ill fame, and all such as have no visible means of support, or are likely to become chargeable to the city as paupers, or are found begging, or drunk in or about the streets or about tippling houses, and who have no visible or honest employment or business in the city, all who have no fixed place of residence or cannot give a

*Amended Acts of Ala., 1884-85, p. 322: *post*.

good account of themselves, all who are grossly indecent in language or behavior, publicly, and all prostitutes who lead a notoriously lewd or lascivious course of life, to give bond and good security for their good behavior for a reasonable time, and in case of their inability or refusal to give such security, to cause them to be punished by fine, imprisonment, or hard labor for the city, for a term to be fixed by ordinance of said board of mayor and aldermen.

SEC. 69. *Be it further enacted*, That said mayor and aldermen shall have power to regulate, restrain and license transient merchants, dealers, peddlers or venders of patent medicines, paints, soaps, and other articles of merchandise, and such persons shall, in all cases, pay for said license before offering to sell or vend any of their goods, wares or merchandise within said city, to the tax collector thereof, who will issue said license. They have also authority to revoke and cancel all of said licenses for cause.

SEC. 70. *Be it further enacted*, That said mayor and aldermen shall have full authority and control over any graveyard, or burial ground, used by said city; to regulate, improve, and enlarge the same by purchase or otherwise, to regulate interments therein, and appoint a sexton therefor.

SEC. 71. *Be it further enacted*, That the mayor and aldermen of said city of Tuscaloosa, and other officers thereof, shall remain in office, unless removed, until the next annual election for mayor and aldermen, and until their successors are qualified; but the board may at any time repeal, alter, or amend the ordinances creating or employing said officers, or regulating their duties, or compensation, and may fill all vacancies; the mayor and aldermen may require any or all of their officers to give bond, with good security, to be approved by the board, before entering upon the discharge of their duties; the conditions of said bond shall be, to faithfully discharge all the duties of their respective offices; suit may be instituted and recovery had on said bonds before any court having jurisdiction, in the name of the mayor and aldermen, for the use of said city, or the person injured by any breach of the conditions of said bond, and said bond shall remain good for any future breaches of its conditions; the mayor and aldermen may provide summary remedies, by motion or otherwise, before the mayor, against the officers of the corporation and their sureties, for any official default or neglect.

SEC. 72. **Be it further enacted*, That hereafter, in all cases of default in the payment or securing the payment of any fine or forfeiture assessed against any person, and judgment rendered by any authority of the city of Tuscaloosa, or by notice of any by-law or ordinance of said city,

*Amended, Acts of Ala., 1884-85, p. 322: *post*.

the mayor, or other officer presiding, shall have the right and power to require the party thus being in default, to labor on the public streets, or such other works of said city as the mayor or other officer presiding may direct, for a time not exceeding sixty days, at the discretion of the mayor or officer presiding at such trial, or the party may be committed to the guard-house or county jail of the county for a period not exceeding sixty (60) days.

SEC. 73. *Be it further enacted*, That the mayor of said city has authority and power to issue his warrant or summons for the recovery of all fines, forfeitures, assessments and other causes of action accruing under this act, or under the by-laws or ordinances of said corporation, either in the breach or for the non-compliance therewith, and to render judgment and issue executions thereon, and the marshal of the corporation, or other officer to be appointed by the mayor and aldermen, is hereby authorized to execute, within said corporation, all process directed to him from said mayor or mayor and aldermen.

SEC. 74. *Be it further enacted*, That the marshal of said corporation, in addition to other powers, has full authority to execute all the lawful ordinances, resolutions, by-laws, and orders of the corporate authorities, within their jurisdiction, and must, without warrant, arrest all offenders breaking the peace, or violating any ordinance of the city, and bring them before the mayor, and in order to the execution of his power and duties, he may summon to his aid as many of the male inhabitants residing in the corporation as may be necessary. He shall also have, within the corporate limits of said city, and within one mile thereof, all the authority and power to execute process, serve writs and subpoenas, and collect executions issued by any lawful officer of said county, as any constable of the county of Tuscaloosa.

SEC. 75. *Be it further enacted*, That the mayor and aldermen shall have power to erect public scale-houses with proper scales, weights and measures, and to appoint weighers and measurers to weigh coal, iron, hay, fodder and corn, and to measure wood and other articles sold to the public.

SEC. 76. *Be it further enacted*, That the city clerk or secretary, or officer performing the duties of clerk, shall be required to keep a register, in which all persons legally qualified to vote in said city shall be required to have their names registered before they shall be allowed to vote at any election, or for any officer of said city. The said register is to be open forty days previous to any election and closed three days before the polls are opened for such an election. The qualifications for registration and voting shall be regulated by the following conditions: Upon the application of any person entitled to vote by the charter of said city, as

aforesaid, within the time prescribed for the register to be kept open, giving name, age, business or profession of such applicant for registration, and giving the ward in which he resides, and the time of his residence in this State, city and ward. It shall be the duty of said clerk or registering officer to register the said applicant, if a qualified voter, which may be proved by the oath of the applicant, administered by the person registering.

SEC. 77. *Be it further enacted*, That the mayor and aldermen shall, by ordinance, provide for the punishment of all illegal voting at any election held in said corporation, and the fine therefor shall not be less than twenty-five dollars.

SEC. 78. *Be it further enacted*, That all acts and parts of acts contravening the provisions of this act, and especially "an act to incorporate the city of Tuscaloosa, approved January 9, 1836," and "an act to amend the charter of the city of Tuscaloosa, approved February 8, 1843," and "an act to confer certain powers on the mayor of the city of Tuscaloosa, approved 14th February, 1843," and "an act to amend the charter of the city of Tuscaloosa, approved 19th January, 1854," and the 12th section of "an act to provide for the registration of electors, session acts 1868, page 205, approved October 5, 1868;" so far as it applies to the city of Tuscaloosa, be and the same are hereby repealed; *Provided, however*, And it is expressly hereby declared that all rights, privileges and immunities, heretofore and now possessed by the mayor and aldermen of the city of Tuscaloosa of their official capacity, whether in property real, personal, or mixed, or any other kind or description whatsoever, shall remain in the present mayor and aldermen of the city of Tuscaloosa, and their successors in office, for the benefit of the inhabitants thereof, and all officers of the city now in office shall remain therein, subject to the provisions of this charter, until the next election provided for herein; and if there should be any office vacant, or any new office created by this charter, then said board of mayor and aldermen shall at once appoint some one to said office who is eligible under this charter, and all suits or actions now commenced or pending, either in behalf of the mayor and aldermen or against them, shall be prosecuted and proceeded with to a final decision, in the same manner as if this act had never passed, and all the by-laws and ordinances now in force, not inconsistent with this act, as adopted and passed by the mayor and aldermen of said city, shall be and remain in force until altered or repealed.

SEC. 79. **Be it further enacted*, That said mayor and aldermen shall have power and authority to issue bonds of said city of Tuscaloosa, not to exceed forty thousand dollars, of which not more than twenty thou-

*Amended, Acts of Ala., 1882-83, p. 554; *post*.

sand shall be used for erecting and constructing water works for said city, and not more than twenty thousand for erecting and constructing gas works for said city, said bonds to bear interest at a rate not exceeding ten per cent., with coupons attached, payable to bearer annually at the city treasury, and to be receivable for city taxes from the holder or any transferee. In the event that any of said bonds shall bear ten per cent, interest, they shall not be sold or disposed of for less than their par value.

SEC. 80. *Be it further enacted*, That said bonds may be issued in sums of one hundred dollars, or any multiple thereof not greater than one thousand dollars. They shall be signed by the mayor and countersigned by the secretary of said city, and have the county seal attached to each. The coupons shall be signed and numbered by the city secretary, who shall keep a correct account of all bonds issued and disposed of under this act. Said bonds shall be made payable at such times as the mayor and aldermen may agree on, not exceeding thirty years from their issuance; may be transferred by delivery as negotiable paper, and shall be redeemable at the city treasury on maturity.

SEC. 81. *Be it further enacted*, That said bonds shall be exempt from the tax required by law on seals, and from all State and county taxes for the period of twelve months after they mature or fall due, but no longer.

APPROVED, March 12, 1873.

Acts of Ala., 1872-73, p. 377.

AMENDMENTS OF CHARTER.

An Act to amend an Act entitled "An Act to incorporate the City of Tuscaloosa," approved March 12, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 6 of an act entitled "an act to incorporate the city of Tuscaloosa," approved March 12, 1873, which reads as follows, to-wit: "Sec. 6. Be it further enacted, All male persons shall be qualified voters in the election of officers, and other elections held in said city, who are qualified by the constitution and laws of the State to vote for members of the State legislature, and who reside in the corporate limits of said city; *Provided*, That any male person so qualified by the laws of the State, may also vote in said election, who does business within said corporate limits and pays city taxes on five hundred dollars worth of real estate located within the city limits, he voting for alderman only in the ward in which he may own the greatest amount of real estate in value," be and the same is hereby amended so as to read as follows: Sec. 6. Be it further enacted, That the following persons, and none others, shall be qualified voters in all elections held in, and for, said city, to-wit: Those male citizens qualified by law to vote in State elections who shall have resided within the corporate limits of said city, *Bona fide*, for sixty days prior to any such election; *Provided*, That any male person so qualified by the laws of the State may vote in such election who owns, in his own right, or that of his wife, three hundred dollars worth of property, located within said city limits, upon which he pays municipal taxes. In all elections each qualified voter may vote for one person, or candidate, for alderman, in each and every ward, as well as for mayor, and other elective municipal officers. And this amendment shall go into effect immediately.

SEC. 2. *Be it further enacted*, That sections 26 and 27 of said charter of the city of Tuscaloosa, which reads as follows: "Sec. 26. Be it further enacted, That there shall be elected by the qualified electors of said city, at the time and place of electing the mayor and aldermen, a marshal for said city, whose term of service shall be the same with that of mayor and aldermen, unless he is removed, dies, resigns, or otherwise vacates his office. Sec. 27. Be it further enacted, That the mayor and aldermen, by a vote of two-thirds, may at any time remove from office the marshal of said city, and supply his place at once by a temporary appointment," be

and the said sections 26 and 27 are hereby repealed; and said sections shall respectively be amended so as to read as follows, to-wit: Sec. 26. Be it further enacted, That the board of mayor and aldermen are empowered to elect a marshal for said city, whose term of service shall be the same with that of the mayor and aldermen, unless he is removed, resigns, or otherwise vacates his office. Sec. 27. Be it further enacted, That the mayor and aldermen, by a vote of two-thirds, may at any time remove from office the city marshal, and appoint another to fill the vacancy created by such removal.

SEC. 3. *Be it further enacted*, That all laws or parts of laws, and especially of said charter of the city of Tuscaloosa, in conflict with the provisions of this act, be and the same are hereby repealed.

Approved December 5, 1874.

Acts of Ala., 1874-75, p. 433.

An Act to amend the Act "To incorporate the City of Tuscaloosa" by the addition of sections in reference to slaughter-houses;—Approved March 12th, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled An act to incorporate the city of Tuscaloosa, approved March 12, 1873, be amended by the addition of the following sections, to be numbered sections eighty-two and eighty-three, as follows:

SEC. 82. Be it further enacted, That from and after the first day of April, 1876, it shall be unlawful for any person to keep or establish any slaughter-house or other establishment for carrying on the butchering business, within the corporate limits of said city; *Provided*, That the board of mayor and aldermen, by unanimous vote of the mayor and every alderman then in office in said city, may authorize the keeping or establishing of a slaughter-house within said corporate limits, subject to such conditions and restrictions as said board may deem necessary for the protection of the health and comfort of the citizens of said city, or of any portion of them; and any one violating the provisions of this section shall be fined, upon conviction before the mayor, not less than fifty nor more than one hundred dollars for every violation hereof; and it shall not be lawful for said mayor to remit any portion of said fine.

SEC. 83. Be it further enacted, That when any person shall have been authorized and allowed, as provided for in section eighty-two, to keep or establish a slaughter-house within the corporate limits of said city, and the same shall have become a nuisance, or prejudicial to the health or comfort of the citizens thereof, or any portion of them, it shall be the

duty of the mayor and aldermen to cause an inspection to be made at once of the premises and slaughter-house, by a committee appointed by said body, who shall take with them some physicians of high standing in said city, whose opinion shall be taken and certified by the chairman of said committee to the board of mayor and aldermen. And thereupon it shall be the duty of said board of mayor and aldermen to hear and determine said complaint; and unless two-thirds of said board shall decide adversely to said complaint, the said slaughter-house shall be abated and discontinued as a nuisance; *Provided*, That upon the filing of any complaint as herein provided, it shall be the duty of the mayor to cause the use of said slaughter-house or place to be discontinued until such time as said complaint shall be heard and determined by said board of mayor and aldermen.

Approved March 1, 1876.

Acts of Ala., 1875-76, p. 312.

To authorize the Mayor and Aldermen of the city of Tuscaloosa, Alabama, to license auctioneers.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor and aldermen of the city of Tuscaloosa, Alabama, be, and they are, hereby authorized and empowered to levy and collect a license tax upon auctioneers, within the corporate limits of said city, and to regulate the same by ordinance, any law to the contrary notwithstanding; *Provided*, That nothing herein contained shall authorize a tax or license to be levied upon sales under judicial proceedings, or by executors, administrators, guardians, or under deed of trust or mortgage for the security or payment of debts.

Approved December 6, 1880.

Acts of Ala., 1880-81, p. 323.

An Act to amend section four of an act "To incorporate the City of Tuscaloosa," approved March 12th, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section four of an act entitled "An Act to incorporate the city of Tuscaloosa," approved March 12th, 1873, be, and the same is hereby amended to read as follows:

SEC. 4. *Be it further enacted*, That there shall be held biennially within the city of Tuscaloosa, beginning on the first Monday in December, 1882, an election for mayor of the city of Tuscaloosa, and for one alder-

man for each of the six wards of said city. Said election to be held at such place or places in said city as the mayor and aldermen may determine; and said mayor and aldermen so elected, and each subsequent board of mayor and aldermen of said city, shall in like manner cause an election to be holden for a mayor and six aldermen of said city, every two years thereafter.

SEC. 2. *Be it further enacted*, That said section four of said act, as it now stands, be, and the same is hereby repealed.

SEC. 3. *Be it further enacted*, That this act shall take effect and go into operation from and after the date of its approval.

Approved November 28, 1882.

Acts of Ala., 1882-83, p. 202.

An Act to amend section 79 of an Act entitled "An Act to incorporate the City of Tuscaloosa," approved March 12th, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 79 of an act entitled "An act to incorporate the city of Tuscaloosa," approved March 12th, 1873, be amended to read as follows:

SEC. 79. *Be it further enacted*, That said mayor and aldermen shall have power and authority to issue bonds of said city of Tuscaloosa, not to exceed fifty thousand dollars; of which not more than twenty thousand shall be used for erecting and constructing water works for said city, and not more than thirty thousand for the purpose of repairing and preventing the further encroachments of the gullies and water drains of said city upon the streets and real property of the inhabitants of said city, and for grading and repairing and opening the streets and public parks of said city, and to preserve the property of the city and of the inhabitants thereof: Such bonds to bear interest at a rate not exceeding eight per cent. with coupons and to be receivable for city taxes from the holder or any transferee thereof.

Approved February 23, 1883.

Acts of Ala., 1882-83, p. 554.

An act to amend "An act to incorporate the City of Tuscaloosa," approved March 12th, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act entitled an act to incorporate the city of Tuscaloosa, approved March 12th, 1873, be amended by adding the following sections thereto:

SEC. 84. *Be it further enacted*, That the mayor and aldermen of the city

of Tuscaloosa shall have power and authority to license, restrain and prohibit the selling or retailing of spirituous, vinous or malt liquors within the corporate limits of said city, and to provide for annulling and revoking such license on good cause being shown; to prevent the selling or giving away of spirituous, vinous, or malt liquors whenever they shall deem it expedient, and for such time as they may deem it necessary; to license and regulate hawkers and street vendors of every description, and for good cause to annul such license; to license, restrain, and regulate theatrical and other exhibitions, shows, concerts, menageries, circuses and any other public amusement; *Provided*, That no license be laid on any concert or other exhibition, or other public amusement, which is solely for a charitable purpose; to license and regulate livery and sale stables; to license and regulate hacks, carriages, buggies, carts, drays and all other vehicles running for hire within the corporate limits; to license, regulate, and restrain transient merchants or dealers and vendors of patent medicines, paints, soaps, and other articles of merchandise, and to revoke and cancel said license for cause; to license and regulate pawnbrokers, auctioneers, and commission merchants; to license and regulate insurance and express companies and their agents, telegraph and telephone companies and their agents, sewing machine companies and sewing machine agents, and railroads and street railroads companies; to license and regulate hotels, eating-houses and restaurants; to license and regulate theatres and all public halls kept as places of amusement or otherwise; to license, restrain and regulate billiard, pool, bagatelle or jenny lind tables, ten pin alleys, and all other games of like kind or description, and to provide for cancelling and annulling such license; to license and regulate barbers and barber shops; to license and regulate pistol or shooting galleries, the game of quoits, and all kind and description of games of chance played in a public place; to license and regulate warehouses and warehousemen; to license and regulate photographers and daguerrean artists, and dealers in pistols, bowie-knives and shot-guns or fire arms, and knives of like kind or description; to establish and regulate a free public school or schools for the tuition of children residing in the corporation, and to employ teachers for the same at suitable salaries; to license and regulate dealers in commercial fertilizers and all kinds of guanos and phosphates used for such purpose; to license and regulate coal and wood yards; to license and regulate dancing masters, and skating rinks; to license and regulate lightning rod agents, stove, range, or clock companies, (not to supply to merchants doing a general business, who keep said articles in stock); to license and regulate commercial reporting agencies; to license and regulate dealers in playing cards; to license and regulate persons or firms, who engage in the business of buying or selling futures for speculation or on commission.

SEC. 85. *Be it further enacted*, That hereafter in all cases of default in the payment or securing the payment of any fine or forfeiture assessed against any person, and judgment rendered by any authority of the city of Tuscaloosa, or by notice of any by-law or ordinance of said city, the mayor, or other officer presiding, shall have the right and power to require the party thus being in default to labor on the public streets, or such other works of said city as the mayor or officer presiding may direct, for a time not exceeding sixty days, at the discretion of the mayor or officer presiding at such trial; or the party may be hired for such length of time and at such rate as will pay said fine and costs, or the party may be committed to the guard-house or county jail of the county for a period not exceeding sixty days. It is hereby made the duty of the sheriff of Tuscaloosa county to receive any persons arrested or committed to jail for the violation of any city ordinance, upon the written order of the mayor or officer presiding of said city; *Provided*, that arrangements be first made with the sheriff for the payment of his fees for receiving and feeding persons so committed

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, so far as the same apply to the city of Tuscaloosa, are hereby repealed, and the provisions of this act shall be and go into full force and effect from and after the date of the approval thereof.

Approved February 7, 1885.

Acts of Ala., 1884-85, p. 322.

An Act to constitute the City of Tuscaloosa a separate school district, and to provide for the management of the public schools in said school district.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the corporate limits of the city of Tuscaloosa, and that portion of Tuscaloosa county within one mile of the corporate limits of said city, south of the Warrior river, shall constitute a school district, separate and apart from the other school districts in the county of Tuscaloosa, and the inhabitants of said city are hereby incorporated by the name of "The School District of the City of Tuscaloosa."

SEC. 2. *Be it further enacted*, That the city of Tuscaloosa, as such separate school district, shall receive the proportionate share of the public school fund coming to the county of Tuscaloosa, including a *pro rata* share of the sixteenth section fund of each township that lies partly within the school district of the city, and shall receive all the taxes collected as poll taxes within such school district, said fund and taxes to be drawn

and distributed by such officer as may be appointed for that purpose by the board of education of the school district of the city of Tuscaloosa, in the same manner as county superintendents of education draw and disburse the funds for their respective counties; and the amount thus drawn for the school district of the city of Tuscaloosa shall be used exclusively for the maintenance of public schools in said district, and the city of Tuscaloosa is authorized to increase its school fund by receiving donations, but for the disbursement of all donated funds no charge whatever shall be made, and the mayor and aldermen of the city of Tuscaloosa are hereby authorized to increase the school fund by levying a tax, not to exceed, one-fourth of one per cent. on the taxable property of said city. The tax collector of the city of Tuscaloosa shall be authorized and empowered to collect the State and county poll taxes of all the inhabitants of said school district liable to pay said tax in the same manner as is now provided for the collection thereof. -

SEC. 3. *Be it further enacted*, That the public schools of the school district of the city of Tuscaloosa, shall be under the charge of a board of education, to consist of the mayor of Tuscaloosa, who shall be *ex officio* president of said board, and four other persons, residents of said district, to be elected by the mayor and aldermen of said city at their regular meeting in the month of July, 1885; the two first elected shall hold their office for the term of one year, and the two last elected shall hold their said office for the term of two years, and at each regular meeting in the month of July of each year, they shall elect two suitable persons to succeed those whose offices have expired so that two of such persons shall be elected annually, and the president of said board shall make reports and furnish statistics and information to the superintendent of education of the State as may be required by law of county superintendents of education.

SEC. 4. *Be it further enacted*, That each member of said board of education, shall upon entering on the duties of his office subscribe an oath to faithfully discharge all the duties enjoined upon him by law as such officer; such oath may be administered by the mayor of said city.

SEC. 5. *Be it further enacted*, That said board of education shall have power, with the approval of the board of mayor and aldermen, to build upon the property of the city suitable houses for use and accommodation of the public schools of said school district, or the said board may rent such houses. Said board shall keep said houses in proper repair and shall furnish the same with appropriate furniture and apparatus; *Provided*, that no contract shall be entered into and no disbursement of any moneys or funds, under the provisions of this act shall be made, except by the consent and under the direction and control of the board of mayor and aldermen.

SEC. 6. *Be it further enacted*, That the said board of education may open a sufficient number of schools to meet the wants of the population of the city of Tuscaloosa; and said board shall elect such officers as are in their opinion necessary to the good government of said schools, and when required such officers shall, before entering upon the duties of their respective offices, take the oath of office prescribed by law for all officers in this State, and shall give bond in such sum as may be fixed by said board of education, and conditioned as all other official bonds; such bond shall be approved by the president of said board of education, and filed with the other official bonds of the city, and a certified copy of the bond of the officer selected to receive the funds of said district shall be filed in the office of the superintendent of education; and shall elect all teachers, fix their compensation and prescribe their duties, control the distribution of teachers and pupils among the several schools, dictate the course of instruction, the number and character of text-books, the organization of classes, and the method of teaching, and shall prescribe rules and regulations for the government of the schools aforesaid. Such board shall have and exercise such other and additional powers as may be necessary to give it complete control of the public schools of said school district. Any of such officers or teachers may be removed for cause, to be determined by said board.

SEC. 7. *Be it further enacted*, That said board of education may issue diplomas to all persons who satisfactorily complete the course of study prescribed for the public school of said school district.

SEC. 8. *Be it further enacted*, That the children and wards of all actual residents within the limits of the school district of the city of Tuscaloosa, from seven to nineteen years of age, shall be entitled to seats as pupils in the public schools of said city; *Provided*, such children shall themselves be *bona fide* residents of said city, and non-resident children may be admitted into such schools on such terms and conditions as the board of education may prescribe, but separate schools shall be provided for colored children.

SEC. 9. *Be it further enacted*, That the board of education shall have power to charge in the several grades in said schools such incidental or other fees as they may deem necessary for the proper conduct of said schools.

SEC. 10. *Be it further enacted*, That all funds devoted to public school purposes in the school district of the city of Tuscaloosa, whether derived from State, county or city, shall be paid into the treasury of said city, where they shall be kept and accounted for, separate and distinct from all other funds belonging to said city, and shall be disbursed in such manner as the board of education shall direct.

SEC. 11. *Be it further enacted*, That the board of education shall have authority to create a board for the examination of applicants for positions as teachers in the public schools of the school district of the city of Tuscaloosa, and no person shall be elected as a teacher in said schools who shall not have received a license from such board.

SEC. 12. *Be it further enacted*, That the board of education may, in its discretion, institute annual competitive examinations before such persons as the board may select for all applicants for license to teach in the public schools of the school district, including licensed teachers in said schools who are applicants for re-election as teachers.

SEC. 13. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 17, 1885.

Acts of Ala., 1884-85, p. 718.

*An Act to incorporate the Tuscaloosa Fire Company Number One,
of the city of Tuscaloosa.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Robert Blair, Edward Watkins and Obediah Berry, their associates and successors, are hereby incorporated by the name and style of "The Tuscaloosa Fire Company, Number One;" and by said name and style the aforesaid company is hereby authorized and empowered to sue and be sued, to have, hold, occupy and possess goods and chattels, lands and tenements of the value of ten thousand dollars, and to make such by-laws, rules and regulations for the proper organization and good government of the company not inconsistent with the constitution and laws of the United States and the State of Alabama and the provisions of this act of incorporation, as they may deem proper.

SEC. 2. *Be it further enacted*, That the said Tuscaloosa Fire Company shall consist of not less than twenty-five nor more than fifty members.

SEC. 3. *Be it further enacted*, That the company shall be required to keep in good order one fire engine with the apparatus thereunto belonging.

SEC. 4. *Be it further enacted*, That the members of said company shall be exempt and hereby are exempted from military duty, road tax, performance of jury duty as grand and petit jurors in the circuit and pro-

*Concerning the construction of the words "road tax" as found in the 4th section of this act, see *State of Alabama v. Emanuel Lewin*, 77 Ala.,—.

bate courts of Tuscaloosa county, so long as they continue to perform the duties of firemen under this act: and that any member who shall have served five consecutive years in said company without any intermission, or who shall have been disabled in the performance of duty as such, shall be constituted an exempt fireman, and as such be entitled to all the privileges and immunities of active members of the company.

SEC. 5. *Be it further enacted*, That to enable the members of said company to enjoy the privileges and immunities granted them by this charter, it shall be the duty of their foreman to place in the office of the sheriff of Tuscaloosa county, semi-annually, a true statement of the names and members of said company on oath; and it shall be the duty of the sheriff of Tuscaloosa county to prevent the said names from being placed in any of the jury boxes of said county.

SEC. 6. *And be it further enacted*, That when the aforesaid company shall habitually neglect the performance of their duty as firemen, or violate the provisions of this charter, it shall be the duty of the mayor of the city of Tuscaloosa to issue his notice calling on said company to appear before the board of mayor and aldermen of the city of Tuscaloosa at their next regular meeting and show cause why their charter should not be declared forfeited; and if the said company shall be found guilty of such habitual neglect, the said mayor and aldermen shall declare their charter forfeited.

Approved February 10, 1852.

Acts of Ala., 1851-52, p. 278.

TITLE OF THE SEVERAL ACTS PASSED BY THE
LEGISLATURE OF ALABAMA, RELATING
TO THE CITY OF TUSCALOOSA.

(In the following caption of said Acts, the name Tuskaloosa or Tuscaloosa is written as it occurs in the original.)

AN ACT to incorporate the town of Tuskaloosa;—approved December 13th, 1819. Acts of Ala., 1818-1819, p. 108.

AN ACT to incorporate the lower part of the town of Tuskaloosa, on the south fraction of section 21, of township 21 in range 10 west of the meridian of Huntsville;—approved December 20th, 1820. Acts of Ala., 1820 to 1824, p. 103.

AN ACT to authorize the Intendant and Council of the lower part of Tuskaloosa, to erect a Toll Bridge across the Black Warrior River;—approved November 27th, 1821. Acts of Ala., 1820 to 1824, p. 36.

AN ACT pointing out the manner by which the streets in the towns of Tuskaloosa and Montgomery, shall be kept in good order, and for other purposes;—approved December 31st, 1823. Acts of Ala., 1820 to 1824, p. 115.

AN ACT establishing and permanently locating the Seat of Government for the State of Alabama, pursuant to the twenty-ninth section of the third article of the Constitution;—approved———, 1826. Acts of Ala., 1825 to 1829, p. 12.

AN ACT providing for the removal of certain public officers to the town of Tuscaloosa;—approved January 27th, 1826. Acts of Ala., 1825 to 1829, p. 46.

AN ACT providing for the erection of a State Capitol;—approved January 3rd, 1827. Acts of Ala., 1825 to 1829, p. 3.

AN ACT incorporating the town of Tuscaloosa and to repeal an act incorporating said town, passed the thirteenth December, eighteen hundred and nineteen;—approved January 12th, 1828. Acts of Ala., 1825 to 1829, p. 133.

- AN ACT to amend an act entitled "An act to incorporate the town of Tuscaloosa, etc.;" approved January 12th, 1828;—approved January 29th, 1829. Acts of Ala., 1825 to 1829, p. 42.
- AN ACT investing the Mayor and Aldermen of the town of Tuscaloosa, with the power of opening roads within the corporate limits of said town;—approved January 29th, 1829. Acts of Ala., 1825 to 1829, p. 40.
- AN ACT to incorporate the city of Tuscaloosa;—approved January 9th, 1836. Acts of Ala., 1834-5-6-7, p. 88.
- AN ACT to amend the Charter of the Town of Tuscaloosa;—approved February 5th, 1840. Acts of Ala., 1839-40, p. 33.
- AN ACT for the relief of Justices of the Peace in the city of Tuscaloosa, and for other purposes;—approved January 17th, 1844. Acts of Ala., 1843-44, p. 120.
- AN ACT to confer certain powers on the Mayor of the city of Tuscaloosa;—approved February 14th, 1843. Acts of Ala., 1842-43, p. 83.
- AN ACT to amend the Charter of the City of Tuscaloosa;—approved February 8th, 1843. Acts of Ala., 1842-43, p. 119.
- AN ACT to authorize Justices of the Peace in the City of Tuscaloosa to hold their monthly courts at their respective offices separately;—approved February 4th, 1850. Acts of Ala., 1849-50, p. 411.
- AN ACT to authorize the Mayor and Aldermen of the City of Tuscaloosa to borrow money;—approved December 4th, 1851. Acts of Ala., 1851-2, p. 319.
- AN ACT to amend the Charter of the City of Tuscaloosa;—approved January 19th, 1854. Acts Ala., 1853-54, p. 399.
- AN ACT to authorize the City of Tuscaloosa to subscribe to the capital stock of the North-East and South-West Alabama Railroad Company;—approved February 10th, 1860. Acts of Ala., 1859-60, p. 284.
- AN ACT to make valid in law certain proceedings by the qualified voters of the city of Tuscaloosa therein named;—approved February 10th, 1860. Acts of Ala., 1859-60, p. 587.
- AN ACT to make valid in law certain proceedings by the qualified voters of the City of Tuscaloosa therein named;—approved February 22nd, 1860. Acts of Ala., 1859-60, p. 588.
- AN ACT to make Tuscaloosa and La Grange, or its vicinity, a military rendezvous, for certain purposes;—approved December 3rd, 1861. Acts of Ala., 1861, p. 185.

AN ACT to amend and explain an Act making Tuscaloosa and La Grange, or its vicinity, a military rendezvous, for certain purposes;—approved December 9th, 1861. Acts of Ala., 1861, p. 187.

AN ACT to incorporate the City of Tuscaloosa;—approved March 12th, 1873. Acts of Ala., 1872-73, p. 377.

AN ACT to amend an Act entitled “An Act to incorporate the City of Tuscaloosa;”—approved March 12th, 1873;—approved December 5th, 1874. Acts of Ala., 1874-75, p. 433.

AN ACT to authorize the Mayor and Aldermen of the City of Tuscaloosa to issue bonds of said City in compromise of a certain chancery suit, to which said city is a party, in the Chancery Court for the Sixth District of the Western Chancery Division of Alabama;—approved February 10th, 1875. Acts of Ala., 1874-75, p. 554.

AN ACT to amend the act “To incorporate the City of Tuscaloosa,” by the addition of sections in reference to slaughter-houses;—approved March 1st, 1876. Acts of Ala., 1875-76, p. 312.

AN ACT to authorize the Mayor and Aldermen of the City of Tuscaloosa, Alabama, to license auctioneers;—approved December 6th, 1880. Acts of Ala., 1880-81, p. 323.

AN ACT to amend section four of an act “To incorporate the city of Tuscaloosa;”—approved March 12th, 1873;—approved November 28th, 1882. Acts of Ala., 1882-83, p. 202.

AN ACT to amend section 79 of an act entitled “An act to incorporate the city of Tuscaloosa,” approved March 12th, 1873;—approved February 23rd, 1883. Acts of Ala., 1882-83, p. 554.

AN ACT to amend an act to incorporate the city of Tuscaloosa, approved March 12th, 1873;—approved February 7th, 1885. Acts of Ala., 1884-85, p. 322.

AN ACT to constitute the city of Tuscaloosa a separate school district, and to provide for the management of the public schools in said school district;—approved February 17th, 1885. Acts of Ala., 1884-85, p. 718

ORDINANCES CONCERNING THE CITY OF
TUSCALOOSA.

Ordinance relating to improvement Bonds.

SECTION I. *Be it ordained by the Board of Mayor and Aldermen of the City of Tuscaloosa*, That the bonds of the City of Tuscaloosa be issued for the sum of six thousand dollars; said bonds to be for the sum of one hundred dollars each, payable twenty years after date, with the privilege of paying the same at any time after five years, at the option of the City; and upon notice given that the City is ready to pay any bond or bonds designating the same, the interest thereon shall cease.

SEC. II. *Be it further ordained*, That said bonds shall be issued under the provisions of section 79 of the Charter of said City, as amended by act of the General Assembly of Alabama, approved February 23rd, 1883, for the purpose of repairing and preventing the further encroachment of the gullies and water-drains of said City upon the streets and real property of the inhabitants of said City, and for grading and repairing and opening the streets and public parks of said City, and to preserve the property of the City and of the inhabitants thereof.

SEC. III. *Be it further ordained*, That said bonds shall be numbered from one to sixty inclusive, and may be called in as provided in section I. designating the bond by its number. That the rate of interest of said bonds shall be six per centum, and that said bonds shall have coupons attached for said interest signed and numbered by the City Secretary, who shall keep a correct account of all bonds issued and disposed of under this act; said coupons shall be paid to bearer annually, at the City Treasury, and be receivable for the City taxes from the holder or any transferee.

SEC. IV. *Be it further ordained*, That said bonds shall be signed by the Mayor and countersigned by the Secretary of said City, and have the City and County seal attached to each, and be exempt from State, County, and City taxes, for the period of twelve months after they mature or fall due, but no longer.

SEC. V. *Be it further ordained*, That said bonds after being duly signed and sealed, be delivered to the Treasurer of the City of Tuscaloosa, who shall sell the same in such sums as he may be authorized and directed by the Mayor of the City, and place the proceeds to the credit of the City of Tuscaloosa.

Adopted July 4th, 1883.

Be it ordained by the Board of Mayor and Aldermen of the City of Tuscaloosa, That section five (5) of an ordinance relating to the issuance of certain bonds, of said City, adopted July 4th, 1883, be amended to read as follows:—

SEC. V. *Be it further ordained, That said bonds after being duly signed and sealed, be delivered to the Mayor or Treasurer of said City of Tuscaloosa, and either of them may sell the same in such sums as may be authorized by the Mayor of the City, and place the proceeds to the credit of the City of Tuscaloosa, with the Treasurer thereof.*

Adopted September 7th, 1883.

Resolution in regard to City Bonds adopted July 11th, 1884.

Whereas on the 4th day of July, 1883, the Board of Mayor and Aldermen of the City of Tuscaloosa did, by unanimous consent pass an ordinance providing for the issuance of sixty bonds, numbered from one to sixty inclusive, bearing six per cent. interest, and payable twenty years from the date of issuance, with the option of paying the said bonds off, after five years from their date; and whereas a part of said bonds were issued; and whereas fifteen of said bonds, numbered from *one to fifteen* inclusive were sold; and whereas, it is found impossible to sell any more of said bonds bearing six per cent. interest,—Therefore,

SEC. I. *Be it ordained by the board of Mayor and Aldermen of the City of Tuscaloosa, That the said fifteen bonds, already issued and sold, and numbered from one to fifteen inclusive, bear interest at the rate of eight per centum per annum, and that said Board of Mayor and Aldermen shall pay said rate of interest on said bonds, and that the Mayor be authorized and instructed to print on the back of said bonds, the following, in red ink, to-wit:—*

In pursuance of an ordinance of the Board of Mayor and Aldermen of the City of Tuscaloosa, adopted on the 11th day of July, A. D. 1884, said Mayor and Aldermen agree to pay eight per centum interest on the within bond, and each coupon attached to said bond shall be good for eight dollars instead of six dollars, as stated in said coupon, and the Mayor shall date and sign, and the Secretary shall countersign each of said endorsements, and the same shall be binding on said mayor and aldermen.

SEC. II. *Be it further ordained, That all of the bonds provided for in said ordinance of July 4th, 1883, which have been printed and signed but not sold, shall be destroyed by the Mayor and Secretary of the Board; and the mayor shall have forty-five new bonds prepared for the sum of one hundred dollars each, payable twenty years from August 1st, A. D.*

1884, with the privilege of paying the same at any time after five years from August 1st, 1884, at the option of the city; and upon notice being given that the city is ready to pay said bonds or any part of them, the interest on the same shall cease.

SEC. III. *Be it further ordained*, That said bonds shall be numbered from sixteen to sixty both inclusive, and shall bear interest at the rate of eight per cent., and shall have coupons attached for the interest payable annually at the City Treasury.

SEC. IV. *Be it further ordained*, Said bonds shall be issued under the authority and for the purposes mentioned and set forth in section II. of the said ordinance of July 4th, 1883.

SEC. V. *Be it further ordained*, Said bonds shall be signed by the Mayor and countersigned by the Secretary of the said city, and shall have the city and county seal attached to each one of them. They shall, when thus executed, be delivered to the City Treasurer, who shall dispose of the same as he shall be directed by the Mayor.

SEC. VI. *Be it further ordained*, The Secretary shall keep a correct record of all the sold bonds so issued and disposed of under this ordinance and to whom sold.

Adopted

Bonds.

SEC. I. *Be it ordained by the Mayor and Aldermen of the City of Tuscaloosa*, That bonds of the city of Tuscaloosa be issued for the sum of four thousand dollars; said bonds to be for the sum of one hundred dollars each, payable as follows. to-wit:—one thousand dollars of these bonds shall be payable on the 1st day of September, 1886; one thousand dollars on the 1st day of September, 1887; one thousand dollars on the 1st day of September, 1888;—and one thousand dollars on the 1st day of September, 1889.

SEC. II. *Be it further ordained*, That said bonds shall be issued under the laws of the State of Alabama, and of the city of Tuscaloosa, particularly under the provisions of section 79, of the charter of said city, as amended by the act of the General Assembly of the State of Alabama, approved February 23rd, 1883, for the purpose of repairing and preventing the further encroachments of the gullies and water-drains of said city, upon the streets and real property of the inhabitants of said city, and for grading and repairing, and opening the streets and public parks of said city and of the inhabitants thereof.

SEC. III. *Be it further ordained*, That said bonds shall be numbered from sixty-one to one hundred both inclusive; that the rate of interest of said bonds shall be eight per cent per annum; said interest paid semi-annually on to-wit:—the first day of March, and the first day of September of each year, and said bonds shall have coupons attached for said interest, signed and numbered by the city Secretary, who shall keep a correct account of all bonds issued and disposed of under this act. Said coupons shall be paid to bearer semi-annually at the city Treasury, and be receivable for city taxes from any holder thereof.

SEC. IV. *Be it further ordained*, That said bonds shall be signed by the Mayor and countersigned by the Secretary of said city, and have the city and county seal attached to each, and be exempt from State, county, and city taxes.

SEC. V. *Be it further ordained*, That said bonds, after being duly signed and sealed, be delivered to the Treasurer of the city of Tuscaloosa, who shall sell the same in such sums as he may be authorized and directed by the Mayor of the city, and place the proceeds to the credit of the city of Tuscaloosa.

Adopted August 10th, 1885.

Ordinance in regard to the Street Railway of the City of Tuscaloosa.

Be it enacted by the Board of Mayor and Aldermen of the City of Tuscaloosa—

SEC. 1. That the City of Tuscaloosa hereby grants to Geo. A. Searcy, Barton F. Dickson, and Poellnitz Johnston and to their successors, the right of way over Market Street, and over that portion of Broad Street between Madison and Market Streets, within the City of Tuscaloosa, for the purpose of building a Street Railway thereon, to be run by horse power, under the following restrictions.

SEC. 2. The said railway is to be so constructed that the lines of the shade trees now on said streets shall not be used, and the shade trees not injured, and the track of said railway shall not be laid within ten feet of either line of said shade trees.

SEC. 3. The present grade of the said streets is to be maintained and is not to be changed without special permission from the Board, and if the City should at any time change the grade of said streets—the road bed of said railway shall be changed to conform thereto.

SEC. 4. Should any culvert or ditch be necessary to drain water from either side of said streets, it is to be properly constructed by the said railway.

SEC. 5. The road bed of said railway is to be well ballasted, its entire length, so that standing water shall not remain thereon, and at the several street crossings—so that persons and vehicles may cross without injury or inconvenience.

SEC. 6. The said railway is to be commenced by January 1st, 1883, and is to be completed from the South Margin Street up Market Street to its intersection with Broad Street and from Market Street to Madison Street,—by January 1st, 1884, or this ordinance shall lapse and be void and of no effect.

SEC. 7. The said city of Tuscaloosa hereby exempts the said railway from taxation for the term of ten years.

SEC. 8. The Mayor and Aldermen of said city reserve the right to regulate this grant in such a way, as whilst it will not injure the company in its business or privileges, shall protect the city and its streets from inconvenience and damage.

Adopted April 5th, 1885.

Ordinance amending the ordinance in regard to the Street Railway of the City of Tuscaloosa.

Be it enacted by the Board of Mayor and Aldermen of the City of Tuscaloosa—

SEC. 1. That section 1 of said ordinance be so amended as to read as follows:—That the City of Tuscaloosa hereby grants to G. A. Searcy, Barton F. Dixon, and Poellnitz Johnston, and to their successors in office, the right of way over Market Street and over Broad Street within the City of Tuscaloosa for the purpose of building a street railway thereon, to be run by horse power with the following restrictions.

Adopted June 7th, 1882.

Oath of office prescribed by article XV. of the Constitution of the State of Alabama, and enforced on Mayors and Aldermen of all cities,
by Act of March 4th, 1876.

I, —————, solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office, upon which I am about to enter, to the best of my ability; So help me God.

Articles of the State Constitution, in relation to the powers and duties of Municipal Governments.

ART. IV. SEC. 55.—The General Assembly shall have no power to authorize any county, city, and town, or other sub-division of this State, to lend its credit, or to grant public money, or thing of value, in aid of, or to, any individual association, or corporation whatsoever, or to become a stockholder in any such corporation, association, or company, by issuing bonds or otherwise.

ART. VIII. SEC. 1.—*Qualification of Voters.*— * * * First, He shall have resided in the State at least one year immediately preceding the election at which he offers to vote. Second, He shall have resided in the county for three months, in the precinct or ward for thirty days immediately preceding the election at which he offers to vote; *Provided*, That the General Assembly may prescribe a longer or shorter residence in any county, or in any ward in any incorporated city or town having a population of more than five thousand inhabitants, but in no case to exceed three months.

SEC. 2. All elections by the people shall be by ballot, and all elections by persons in a representative capacity, shall be *viva voce*.

ART. XI. SEC. 7.—No city or other municipal corporation, other than provided for in this Article, shall levy, or collect, a larger rate of taxation in any one year on the property thereof, than one-half of one per cent of the value of such property, as assessed for State taxation during the preceding year; *Provided*, That for the payment of debts existing at the time of the ratification of this Constitution, and the interest thereon, an additional rate of one per cent. may be collected, to be applied exclusively to such indebtedness.

An Act to amend Section 286 of the Code of Alabama.

SEC. 1. *Be it enacted by the General Assembly of Alabama*, That Section 286 of the Code of Alabama, be amended so as to read as follows; viz:—§286 (264)—*Manner of counting out votes.*—In counting out, the returning officer, or one of the inspectors, must take the ballots one by one, from the box in which they have been deposited, at the same time reading aloud the names of the persons written or printed thereon, and the office for which such persons are voted for; they must separately keep a calculation of the number of votes each person receives, and for what he receives them; and if two or more ballots are found rolled up or folded together, so as to induce the belief that the same was done with a fraud-

ulent intent, they must be rejected, or if any ballot contains the names of more than the voter had a right to vote for, the first of such names on such ticket, to the number of persons the voter was entitled to vote for, only, must be counted.

Approved February 18th, 1879.

An Act to amend Section 1776 of the Code, in relation to qualifications of Officers of Incorporated Towns.

SEC. 1. *Be it enacted by the General Assembly of Alabama*, That Section 1776, of the Code, be amended so as to read as follows:—§ 1776 (1469.) *Who eligible to office*—No person can hold the office of Intendant, in such corporation, who has not resided therein one year next preceding the election; and no person can hold the office of Councilman who has not resided therein six months next preceding such election.

Approved January 26th, 1879.

An act to amend an act to amend section 274 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act to amend section 274 of the Code of Alabama, approved February 12, 1879, be, and the same is, hereby amended so as to read as follows:

SEC. 274. The ballot must be a plain piece of white paper, without any figures, marks, rulings, characters or embellishments thereon, not less than two and one-half inches, nor more than three inches in width, and not less than five nor more than ten inches in length, on which must be written or printed, or partly written and partly printed, only the names of the persons for whom the elector intends to vote, and must designate the officer for which each person so named is intended by him to be chosen; and any ballot otherwise than described is illegal and must be rejected; *Provided*, That no ballot shall be rejected as illegal by reason of the abbreviation of the names of the persons voted for, nor by the use of numerals as abbreviations, nor by reasons of the erasure of one or more names, and the insertion of other names, if what is meant by the ballot appear from its face, nor shall any ballot be rejected as illegal by reason of its non-conformity to the prescribed dimensions, if it reasonably appear that the elector had no intent to violate the statute.

Approved March 1, 1881.

MAYORS OF TUSCALOOSA.

1828	—WM. R. BOLLING.
	—DR. JOHN OWEN.
1837	—WM. R. SMITH.
	—ROBERT S. INGE.
1842	—D. HENRY ROBINSON.
1844-48.	—ROBERT BLAIR.
1849	—JAMES L. CHILDRESS.
1850-54.	—JOSEPH C. GUILD.
1855-	DAVID WOODRUFF.
1856-58.	—L. S. SKINNER.
1859-61.	—ROBERT BLAIR.
1862	—R. LACY.
1863	—JESSE E. ADAMS.
1864-65.	—OBEDIAH BERRY.
1866	—JOSEPH C. GUILD.
1867	—S. B. SMITH.
1867	JOHN S. GARVIN.
1868	—JOSIAH J. PEGUES.
1869-71.	—T. F. SAMUEL.
1872	—ROBERT BLAIR.
1873	—OBEDIAH BERRY.
1874-76.	—JOHN J. HARRIS.
1877-78.	—OBEDIAH BERRY.
1879-86.	—WILLIAM C. JEMISON.

(NOTE.—The City of Tuscaloosa was incorporated December 13th, 1819, and we have not at hand any accurate data concerning the various Mayors of the City prior to the above. We would be obliged for any information on this subject, which will be carefully preserved, in order that future compilers of the laws of the city may extend the list.—Wood & Wood, City Attorneys.)

An ordinance to provide for the adoption, printing, and distribution
of the Code of the City of Tuscaloosa, and for the continuance
or repeal of certain matters concerning
the Code of 1879.

SECTION 1. *Be it ordained by the Mayor and Aldermen of the City of Tuscaloosa*, That the Code of Laws and Ordinances of the City of Tuscaloosa, known as the Code of 1885, revised and prepared by the City Attorneys, Messrs. Wood & Wood, pursuant to an ordinance heretofore adopted, be and the same is hereby received and adopted, and shall govern all persons within the limits of the City, whether resident or transient.

SEC. 2. *Be it further ordained*, That part of said Code, denominated as the Civil Code, shall go into effect, and be of full force, on and after the first Monday of December, 1885.

SEC. 3. *Be it further ordained*, That part of said Code, denominated as the Penal Code, shall go into effect and be of full force, on and after the third Monday of December, 1885.

SEC. 4. *Be it further ordained*, That the Mayor, Hon. William C. Jemison, Aldermen Bernhard Friedman and Warfield C. Richardson, and the City Attorneys, be empowered and requested to make all contracts necessary to have said Code printed, bound, if necessary, and distributed; and as soon as they shall receive said Code from the hands of the printer they shall deliver one to each alderman, and one to each officer of the City, who shall return the same to the City Secretary when their terms of office expire.

SEC. 5. *Be it further ordained*, That the balance of said copies may be sold by the Mayor at such prices as may be fixed by the Mayor and Aldermen.

SEC. 6. *Be it further ordained*, That the said City Attorneys shall superintend and direct the preparation of said Code for the press; shall incorporate therein the Charter of the City, and such special acts of the Legislature, and other matter, as they shall deem important to incorporate therein, and shall make and append thereto a full and complete index.

Continuance and repeal of laws and ordinances.

SEC. 7. All laws and ordinances of the city of a private nature, operating on particular persons; all laws and ordinances for the appropriation of money, and all laws and ordinances which amount to or were and are

intended to operate as a contract or agreement with any other person, are hereby continued in full force and operation; and all the laws and ordinances designed to operate upon all the people of this city, not embraced in this code, are hereby repealed; *Provided*, That no action or proceeding commenced before the adoption of this code shall be affected by its provisions; *and provided further*, that neither this code, nor any provision therein contained, has nor shall have the effect to release any person from any penalty or forfeiture which has accrued previous to the adoption of this code, nor to release any person from any trial or punishment for any crime, misdemeanor, or offense against the laws or ordinances of this city; but all such laws and ordinances are hereby continued in force as to such crimes, misdemeanors, offenses, penalties, and forfeitures, in the same manner and to the same extent as if this code contained no repealing clause.

Adopted November 4th, 1885.

PART I.

CIVIL CODE.

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CHAPTER I.

MEANING OF WORDS.

SEC. 1. *Meaning of words.*—The following words used in this code shall have the following meaning attached to each one:—

1. *Time.*—Words used in the past or present tense include the future as well as the past and present.

2. *Computation of time.*—The time in which an act is to be done must be computed by excluding the first and including the last day; and if the last day be Sunday, that shall be excluded.

3. *Gender.*—Words used in the masculine gender include the feminine and neuter.

4. *Number.*—Words used in the singular include the plural, and the plural includes the singular number.

5. *Person.*—The word “person” includes a corporation, firm, or partnership, as well as a natural person.

6. *Writing.*—The word “writing,” or “written,” includes printing on paper.

7. *Signature or subscription* includes mark when the person cannot write.

8. *Property.*—The word “property” includes real and personal property.

9. *Real property* includes lands, tenements, and hereditaments.

10. *Personal Property* includes every species of property, except real property as above defined.

11. *Year and month.*—The word “year” means a calendar year; and the word “month” means a calendar month.

12. *Bond.*—When a bond is required, an undertaking in writing is sufficient.

13. *The Board.*—The words “the board” mean the mayor and aldermen when assembled in session for the transaction of business.

14. *The City*.—The words “the city” means the body corporate, in the county of Tuscaloosa, and State of Alabama, created by the Act of the General Assembly of Alabama, approved the day of , 18 , and the several amendments and supplements thereto, under the style of “The Mayor and Aldermen of the City of Tuscaloosa.”

15. *The Corporation*.—The words “the corporation” mean the city as above defined.

16. *The Mayor*.—The words “the mayor” include and apply to aldermen acting as mayor.

17. *Money*.—The word “money” includes gold and silver and other coin, bank notes or bills, and any other note or bill intended to be circulated as money; also, the certificates of indebtedness issued by the State of Alabama.

18. *Credit*.—The word “credit” includes every debt, claim, or demand for money, labor, merchandise, or property, or other thing of value, whether secured by deed of trust, mortgage, conditional sale, bond, note, or account.

CHAPTER II.

DIVISION OF CITY INTO WARDS.

SEC. 2. *City divided into six wards*.—The City of Tuscaloosa shall be divided into six wards, as follows:—The *first* ward shall embrace all that part of the corporate limits that lies between the eastern limit and Adams Street; the *second* ward shall embrace all that part of the corporate limits that lies between Adams and Madison Streets; the *third* ward shall embrace all that portion of the corporate limits that lies between Madison and Monroe Streets; the *fourth* ward shall embrace all that portion of the corporate limits that lies between Monroe and Market Streets; the *fifth* ward shall embrace all that portion of the corporate limits that lies between Market and Washington Streets; the *sixth* ward shall embrace all that portion of the corporate limits that lies between Washington Street and the western limit.

CHAPTER III.

ELECTIONS.

SECTION.

3. Elections, where held.
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17. Time of holding election.
18. Elections advertised.
19. Duty of judges and clerks.
20. Challenging elector.
21. Counting and certifying votes.
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SEC. 3. *Elections—where held.*—All elections in this City, under the Charter thereof, shall be held at the City Hall, unless otherwise ordered by the Board of Mayor and Aldermen.

SEC. 4. *Qualification of Electors.*—Any male citizen of the United States, who is qualified by law to vote at elections held in and for the State of Alabama, and who shall have resided within the corporate limits of this City *bona fide* for sixty days prior to the election at which he offers to vote, or who owns in his own right, or that of his wife, three hundred dollars worth of property, located within said City limits, upon which he pays municipal taxes, and who shall have been duly register-

ed at least three days prior to the election at which he offers to vote, shall be deemed a qualified elector of said City.

SEC. 5. *Who may be mayor, alderman or marshal.*—Any elector of said City, who is twenty-one years of age and who has resided in said city one year or upwards, shall be eligible to the office of Mayor, or Alderman, or Marshal.

SEC. 6. *How office of mayor or alderman vacated.*—Should the mayor of said city remove therefrom, or be absent for three months at any one time, without the consent of the Aldermen, his office shall be thereby vacated, and should any alderman remove from the ward in which he was residing at the time of his election, or be absent therefrom for three months at any one time, without the consent of the Mayor and other Aldermen, his office is thereby vacated.

SEC. 7. *Election to fill vacancy.*—Whenever any vacancy shall occur either by death, resignation, refusal to accept, removal or absence as aforesaid, in the office of Mayor, or any Alderman, it shall be the duty of the remaining members forthwith to advertise and cause an election to be holden within ten days after such advertisement, to fill any such vacancy.

SEC. 8. *Qualified electors: how many votes of.*—All qualified electors of this City may vote for one person or candidate for Alderman in each and every ward, and also for Mayor and any other elective municipal officers.

SEC. 9. *City Secretary registers electors.*—The City Secretary shall keep a register, in which all persons, legally qualified to vote in said City, shall be required to have their names registered before they shall be allowed to vote at any election, or for any officer of said City.

SEC. 10. *Opening and closing register, and registration.*—The City Secretary shall keep said register open forty days previous to any election, and shall close it three days before the polls are opened for such election. Upon the application of any person entitled to vote by the ordinances of this City, and giving his name, age, business or profession, ward, and time of residence in State, City, and ward, which may be proven by the oath of the applicant, administered by the person reg-

istering, the registering officer shall register said applicant, if a qualified voter of this City.

SEC. 11. *Notice of registration: book and oath.*—The City Secretary shall give reasonable notice before each election of the time and place of opening and closing said registration lists, and shall provide himself with, at the expense of the City, a blank book, each page of which shall contain the following heading, which oath or affirmance shall be administered by him to each person before he is allowed to register.

THE STATE OF ALABAMA,)
COUNTY AND CITY OF TUSCALOOSA.)

We, the undersigned registered electors, each for himself, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and of the State of Alabama, and of the City of Tuscaloosa, and that I am not excluded from registering or voting by any of the clauses in section 2 of article VIII. of the Constitution of Alabama; that I am a qualified elector under the laws of this State, and entitled under the laws of this city to vote at the next municipal election thereof.

NO.	DATE.	NAME	AGE.	BUSINESS.	No. of Ward.	RESIDENCE IN		
						State.	City.	Ward.

SEC. 12. *Electors, who disqualified.*—Those who have been convicted, of treason, embezzlement of public funds, malfeasance in office, larceny, bribery, or other crime punishable in the penitentiary, and idiots and lunatics, shall not be permitted to vote in this city at any election.

SEC. 13. *Duty of Secretary to furnish lists.*—The registration lists shall be closed three days prior to each municipal election, and the City Secretary shall immediately thereafter make out a true and correct list of the registered electors of this city, and deliver the same to the board of mayor and aldermen; which list shall be kept on file in the mayor's office.

SEC. 14. *Certificate to registration lists.*—When the registration of electors shall have been completed, the City Secretary shall append the following certificate to the list of registered electors, registered by him:—

I———, Secretary of the city of Tuscaloosa, do hereby certify that the above and foregoing names of registered voters, registered by me, were duly registered according to law, between the dates of the _____ day of _____ 188 , and the _____ day of _____ 188 , in said city, and that each of said persons so registered took and subscribed before me the above and foregoing oath, on the day and dates set opposite their names respectively.

Witness my hand this _____ day of _____ 188
 _____ City Secretary.

SEC. 15. *Manner of elector registering.*—All electors shall register by signing their names to the proper blank, and whenever an elector shall apply for registration who is unable to write his name, it shall be the duty of the Secretary to write the name of said elector for him, to which the elector shall make his mark, which said signature in each and every case shall be attested by the City Secretary.

SEC. 16. *Judges and clerks of elections.*—The board of mayor and aldermen at their regular meeting in November of each even numbered year shall appoint three judges and two clerks to hold the biennial election, who shall, before entering on their duties, take an oath to act faithfully and impartially in conducting the same. Any two of said judges may act, and in case said clerks, or any of them, are absent, the judges shall proceed to appoint suitable persons in their places.

SEC. 17. *Time of holding election.*—The biennial election for Mayor and for one Alderman for each of the six wards of said City, shall be held on the first Monday in December of each even numbered year.

SEC. 18. *Elections advertised.*—The Board of Mayor and Aldermen shall cause the biennial election, and all other elections to be advertised in some newspaper published in said City at least ten days before the same shall be held.

SEC. 19. *Duty of judges and clerks.*—It shall be the duty of the judges and clerks of said elections, to open the polls at the hour of nine o'clock in the morning, and close them at four

in the evening; to receive the ballots of all registered voters, unless said votes are challenged, and deposit those ballots cast for Mayor in one box, and those cast for Aldermen in another.

SEC. 20. *Challenging elector.* When any person offering to vote is challenged, which may be done by any qualified voter, one of the judges shall, without delay, tender him the following oath:—"You do solemnly swear (or affirm) that you are a duly qualified voter under the Constitution and Laws of the State of Alabama, and City of Tuscaloosa; that you have resided within this State one year, in this County three months, and in the corporate limits of this City *bona fide* sixty days prior to this election, (or that you own in your own right, or that of your wife, three hundred dollars worth of property, located within said city limits, upon which you pay municipal taxes) and that you have not voted this day." And upon such oath aforesaid having been taken, the ballot of such person must be received by the judges and deposited as in other cases. But if said oath being tendered, shall not be taken, the ballots aforesaid must be rejected.

SEC. 21. *Counting and certifying votes.*—So soon as the polls shall be closed, the judges and clerks shall at once proceed to count and compare the ballots, and shall make out, after counting said ballots, a full return of all the votes, showing how many votes have been cast for Mayor, and how many for Aldermen, with the vote for each candidate for Alderman; and shall certify, under their hands, this written return to the Board of Mayor and Aldermen.

SEC. 22. *Tie votes.*—Should there be a tie vote between two or more candidates for the office of Mayor, the Aldermen chosen at the same election shall determine which of said candidates shall be Mayor, and should two or more persons receive the same vote for Aldermen, the Mayor, chosen at that election, shall declare which of said persons shall be Aldermen. And in case of any other tie concerning elections of said city, it shall be decided by a majority vote of the Board.

CHAPTER IV.

CONTESTS OF ELECTIONS.

SECTION.

23. Elections, causes of contests.
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25. Copy of contest served on defendant.
26. Subpoenas for witnesses.
27. Depositions of witnesses.
28. Continuance of cause.
29. Authority of Judge of Probate.
30. Proceedings in case of tie votes.
31. Judgment when contest successful.
32. Costs of contest.

SEC. 23. *Elections, causes of contests.*—The election of persons declared to be elected Mayor or Alderman of said City of Tuscaloosa, may be contested by any qualified elector of said city, for any one or more of the following causes.

1. Malconduct, fraud, or corruption on the part of any inspector, judge, clerk, returning officer, or board of supervisors.
2. When the person whose election to such office is contested was not eligible thereto at the time of such election.
3. On account of illegal votes.
4. Any intimidation, threats to discharge from employment, offers to bribe, or bribery, violence, abuse, or any other unlawful conduct calculated to prevent a fair, free, and full exercise of the elective franchise.

SEC. 24. *Contests, statement of grounds to Probate Judge.*—Any elector choosing to contest any election for Mayor or Alderman of said City, must, within fifteen days after such person is declared duly elected, present a statement of the grounds of contest, verified by affidavit, for one or more of the causes mentioned in the preceding section, to the Judge of Probate of Tuscaloosa County, who must appoint a day, not less than fif-

teen nor more than twenty days from the time of such presentation for the trial thereof, and endorse the same on such statement: he must also, at the same time, give security for the costs of such contest, to be approved by such judge, but in no case shall the Probate Judge require more than Five Hundred Dollars as security.

SEC. 25. *Copy of contest served on defendant.*—A copy of such statement, with the day of trial endorsed thereon, must be served on the person whose election is contested, or left at his usual place of residence, at least ten days before the day appointed for trial, by the sheriff, or a constable of said county, and the original notice returned to the Probate Judge with the mode of service endorsed thereon.

SEC. 26. *Subpoenas for witnesses.*—After the notice required has been given, either party is entitled to subpoenas to compel the attendance of witnesses on the day fixed for trial, which must be issued on application by the Judge of Probate, before whom the contest is to be tried: the same proceedings may be had against defaulting witnesses as in matters litigated in courts of Probate, such proceedings being returnable within three months.

SEC. 27. *Depositions of witnesses.*—Testimony may also be taken by deposition in such cases, and in like manner as in matters litigated in said court, and witnesses and commissioners are entitled to the same compensation as in other cases.

SEC. 28. *Continuance of cause.*—The court may, for good cause, continue the trial to some other day, but no continuance must be over thirty days, and such trial must not be continued more than twice on the application of the same party.

SEC. 29. *Authority of Judge of Probate.*—The Judge of Probate has authority to make an examination of the ballots given in such election, on the trial of any contest thereof, so far as the same may be necessary to arrive at a correct judgment, and must be governed in the trial and determination of such contest by the rules of law and evidence governing the determination of questions of law and fact in the courts of law in

this State, so far as the same are applicable, and, after hearing the proofs and allegations, must give judgment, either confirming or annulling such election altogether, or declaring some other person than the one whose election is contested duly elected.

SEC. 30. *Proceedings in cases of tie votes.*—If it appear that two or more persons have received an equal number of legal votes for such office, the trial of such cause must be temporarily adjourned, and such result certified to the Mayor and Aldermen elect, who shall proceed to determine the result of said election as hereinbefore provided in cases of ties; and judgment must be rendered declaring such person, whose election is so determined, duly elected.

SEC. 31. *Judgment when contest successful.*—When the person whose election is contested is proved to be ineligible to the office, judgment must be rendered, declaring the election void as to such person, and the person having the next highest number of legal votes shall be declared duly elected to the office.

SEC. 32. *Costs of contest.*—When the election is declared void, or when any other person than the one whose election is contested, is declared elected, the party contesting recovers of the person whose election is contested, all costs, for which execution may issue, returnable to any regular term of said court, within three months after its issuance,—and in all cases where the contesting party is defeated, the party whose election is contested recovers of him all costs, for which execution against him and his securities may issue, returnable as aforesaid.

CHAPTER V.

THE BOARD.

SECTION.

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46. Compensation of city officers.
47. Officers may be fined and removed.
48. Passage of ordinance; Proviso.
49. Rules for government of Board.

SEC. 33. *Who constitutes the Board.*—The Mayor and Aldermen of the City of Tuscaloosa shall constitute the body designated as the Board.

SEC. 34. *Election returns announced.*—The Board shall hold a meeting on the day after each biennial election for Mayor and Aldermen, for the purpose of receiving the returns of such election, and shall cause said returns to be spread in full on the minutes of the Board, and shall declare elected the persons having received the highest number of votes for each office.

SEC. 35. *Officers sworn in, and oath.*—The Mayor and Aldermen so elected shall be at once sworn in, and enter upon the discharge of their duties, taking the following oath: "I, —, solemnly swear (or affirm) that I will support the constitution of the United States, and of the State of Alabama, so long as I

continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, without fear, favor, or partiality, so help me God."

SEC. 36. *Organization of the Board.*—As soon as said oath shall have been taken by the Mayor and Aldermen elect, the Mayor shall take his seat and call the Aldermen to order, and they shall then be considered as organized for the transaction of business as the Board of Mayor and Aldermen of the City of Tuscaloosa.

SEC. 37. *What constitutes quorum.*—Four members of the Board shall constitute a *quorum* for the transaction of business, but a less number, when a *quorum* is not present, may adjourn to another day.

SEC. 38. *Regular and called meetings.*—The Board shall have regular stated meetings on the first Wednesday during each month, and may adjourn said meeting from time to time during the month. Called meetings may be held at any time, at the pleasure of the Mayor, by written notice, designating the time and place of meeting; or on the written application of two Aldermen, the Mayor shall likewise order a called meeting.

SEC. 39. *Standing committees.*—At the first regular meeting of the Board, the Mayor shall appoint the following standing committees, to consist of three members each:—

A committee on streets.

A committee on finance.

A committee on public grounds and buildings.

A committee on public schools.

SEC. 40. *Street committee: its powers and duties.*—The street committee shall examine into and propose action on and for all matters pertaining to streets, side-walks, bridges, culverts, shade-trees, lamp-posts, wells, cisterns, and the like. They shall in regard to these things direct the attention of the marshal and overseers, and shall cause all such necessary repairs as the public safety and convenience may require to be promptly made: *Provided*, however, that their expenditures for such purposes

shall be limited to such amount, per month, as the Board may determine.

SEC. 41. *Finance committee: its powers and duties.*—

The finance committee shall examine into and propose action for all matters relating to the revenues and liabilities of the city. They shall examine all bills and accounts presented against the city, and endorse on them “audited,” before the same shall be acted on by the Board. They shall analyze all accounts, classifying the items under the following heads:—

Salaries and fees of officers.

Streets.

Police.

Public grounds and buildings.

Redemption of bonds.

Interest and discount.

Printing.

Stationery.

Holding elections.

School fund.

Fuel and light.

Miscellaneous.

At the end of each year, the finance committee shall present an exhibit, showing the receipts and expenditures for the year, specifying the source from which the receipts were derived, and classifying the expenditures according to the classification above given.

SEC. 42. *Public grounds and buildings committee: its powers and duties.*—The public grounds and buildings committee shall examine into and propose action for all matters pertaining to the grave-yard, the commons, the river margins, and other grounds and lots owned by the city; the wharf, the warehouse, the city hall, the guard-house, the market, the powder magazine, the clock, the city scales, and other public buildings and property. They shall direct the attention of the marshal as custodian of public grounds and buildings, and shall cause necessary repairs of buildings to be made; *Provided*, that the expense thus incurred in any one month shall not exceed such limit as the Board may determine.

SEC. 43. *Public Schools committee: its powers and duties.*—The public schools committee shall have a general supervision over the public schools of this city, and shall be the official means of communication between the board of Mayor and Aldermen and the board of Education: they shall propose action on all matters pertaining to, and for the general good and welfare of said schools, and shall attend examinations, and perform such other duties as may be required of them.

SEC. 44. *Election of City officers.*—The Board shall at their first regular meeting in December, or as soon thereafter as practicable, elect *viva voce* a secretary, a marshal, a tax assessor, a tax collector, a city engineer, a city attorney, and such other officers as they may determine upon. If they deem it advisable they may elect one person to hold more than one office.

SEC. 45. *Temporary vacancy in board, how filled.*—When the Mayor, or any of the Aldermen of said City, shall be absent with or without the consent of the remaining members of the Board, for a less term than that which renders either of their offices vacant, or when any vacancy shall occur in either of said offices by death, resignation, refusal to accept, removal, absence, or in any other manner, those of the board Bat home and in office shall make a temporary appointment, should they deem it necessary, of some competent person to act until the return of the absentee, or until the vacancy shall be filled by election.

SEC. 46. *Compensation of city officers.*—The Board must at its first meeting fix the compensation of the Mayor and other officers and employees of the City.

SEC. 47. *Officer may be fined and removed.*—The Board may try an officer of the corporation for violation or neglect of duties, having first given him notice thereof. Such officer, if convicted, may be fined by the Board, and by a vote of two-thirds of the Board, any officer elected by them may be removed from office. Every officer, while under trial shall be suspended from his official duties.

SEC. 58. *Passage of ordinances; proviso.*—No law or ordinance, presented by any member of the Board for adoption,

amendment, or repeal, at any meeting, shall be acted on until the next regular meeting; *provided*, however, that the Board may at any time suspend this rule by unanimous consent, in which case, four affirmative votes shall be required to pass, amend, or repeal the proposed law or ordinance.

SEC. 49. *Rules for government of board.*—For the orderly transaction of business the following rules are adopted for the government of the Board:

RULE 1. At the appointed hour the Mayor shall take the chair, call the Board to order, and if a quorum be present, proceed to business. Four members of the Board shall constitute a quorum.

RULE 2. If the Mayor be absent the Aldermen shall select one of their number to act as Mayor *pro tem*.

RULE 3. In either case business shall be taken up and disposed of in the following order, to-wit:—

1. Calling the roll and noting those who are absent.
2. Reading the minutes of the last meeting for approval or correction.
3. Excuses for Aldermen for failing to attend at any former meeting, and if such excuse is not allowed the Alderman shall be fined five dollars.
4. Communications from the Mayor.
5. Reports from each officer required to report, which shall be referred to the appropriate committee.
6. Reports from each of the standing committees, which shall be disposed of, or the matter referred back to the committee.
7. Reports from select committees, which must be made at the first meeting after the reference unless further time is given, which matter must be disposed of or referred back to the committee.
8. Petitions read and disposed of, or referred to the appropriate committee.
9. Unfinished business.
10. Elections to fill vacancies in any of the offices of the City
11. New business.
12. Adjournment.

RULE 4. The Mayor shall preserve order and decorum in the transaction of business during each sitting of the Board, and on points of order may speak in preference to any Alderman.

RULE 5. The Mayor shall decide all questions of order. But from his decision an appeal may be taken, which appeal shall be decided without debate. And the question to be put shall be, "Shall the decision of the Mayor stand?"

RULE 6. When any Alderman is about to speak, to make a motion, or deliver any matter, or make a report, he shall rise to his feet and address the Mayor.

RULE 7. If in speaking, or in any other way, an Alderman should violate any rule, the Mayor shall, or any Alderman may call him to order, and in such case he shall sit down unless permitted to explain.

RULE 8. When two or more Aldermen shall rise to speak at the same time, the Mayor shall decide who is entitled to speak.

RULE 9. No Alderman shall speak more than twice on the same subject, except by permission of the board.

RULE 10. When a motion is made, it shall be stated to the board by the Mayor, if verbal. If in writing, it shall be read by the Secretary, and on the request of the Mayor, or any Alderman, all motions shall be put in writing. When so stated or read, the Mayor shall put all motions to the vote of the Aldermen.

RULE 11. All motions, resolutions, and ordinances shall be open to three amendments, and no more, unless this rule is suspended by a two-thirds vote.

RULE 12. In all cases where an amendment is offered, the question shall be first put, "Shall the amendment be allowed?" And if it is allowed, then the question shall be taken on the motion, resolution, or ordinance as amended.

RULE 13. If the amendment be lost, then the original motion, resolution, or ordinance shall be put upon its passage.

RULE 14. A motion to adjourn shall be always in order, and shall be decided without any debate.

RULE 15. The previous question shall have precedence over all other motions, except a motion to adjourn and to lay on the table, and shall, if sustained, preclude all debate and all amend-

ments, and shall be put in this form; "Shall the main question be now put?"

RULE 16. Any Alderman may call for a division of the question when it will admit of a division.

RULE 17. Any Alderman having voted with the majority on any question, may move for a reconsideration of the question at that meeting, or at the next succeeding meeting of the Board.

RULE 18. The Mayor shall appoint all committees unless otherwise provided for, and the one first named shall be the chairman of such committee.

RULE 19. In all questions of the appropriation, expenditure, or payment of money, in all elections, in all cases where the ayes and noes are called for, and in all cases where the Board is equally divided, the Mayor shall be required to vote. In all other cases he may or may not vote, at his option.

RULE 20. The Clerk shall record the ayes and noes whenever taken.

RULE 21. The Mayor, or any member of the Board, shall have the right to have his protest to the passage of any measure entered on the minutes, if it is in respectful language, of which the Board shall judge.

RULE 22. Nothing shall be introduced as a rider which is not pertinent to the subject of the ordinance.

RULE 23. On all questions of filling blanks, the largest sums and most remote day shall be first put.

RULE 24. A majority of any committee shall be sufficient to act.

RULE 25. All resolutions and ordinances for the repeal or change of an existing ordinance shall lie over till the next meeting, unless by unanimous consent, when it may be put upon its passage at once.

RULE 26. The Mayor may at any meeting call an Alderman to the chair for the time being.

RULE 27. If the Mayor or any Alderman, shall willfully violate any of these rules, he shall suffer such censure as the Board may direct.

RULE 28. Any one of the foregoing rules may be suspended by vote of two-thirds of the Aldermen present at any meeting of the board.

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59. Report of collection of fines, etc.
60. Reports: when made.
61. Officers cannot delegate their authority.
62. Officers required to nominate substitute to Board.

SEC. 50. *City officer: term of office.*—Each officer of the city, elected by the Board of Mayor and Aldermen, shall hold his office until the next election of the Mayor and Aldermen, after his election, and until his successor is qualified, unless otherwise provided for, or unless removed by a two-thirds vote of the Board.

SEC. 51. *Oath, by whom administered.*—Each officer of the city, elected by the Board of Mayor and Aldermen, shall, before entering upon the discharge of the duties of his office, appear before the Mayor and take and subscribe an oath, to be by the Mayor administered, to faithfully and honestly perform the duties of his office, to the best of his skill and ability, without favor, affection, or partiality.

SEC. 52. *Bond, condition and amount thereof.*—The following officers shall each, before entering upon the discharge of the duties of his office, give bond, with good security, to be ap-

proved by the Mayor, payable to the Mayor and Aldermen of the City of Tuscaloosa, and conditioned to faithfully discharge all the duties of his office:—

The Mayor shall give bond in the sum of one thousand dollars to be approved by the Judge of Probate of Tuscaloosa County.

The Marshal shall give bond in the sum of one thousand dollars.

The Tax Assessor shall give bond in the sum of one thousand dollars.

The Tax Collector shall give bond in the sum of two thousand dollars.

The Treasurer shall give bond in the sum of five thousand dollars.

The City Sexton and the City Policemen shall give bond in the sum of one hundred dollars.

Provided, That the Board may, in its discretion, exempt any of said officers from giving such bond.

SEC. 53. *Bond not exhausted by one recovery.*—Neither of said bonds shall be discharged by one recovery thereon, but successive recoveries may be had thereon till the whole amount of the bond is exhausted; and if the whole amount of any of said bonds shall be exhausted by recoveries thereon, then it shall be the duty of the Board of Mayor and Aldermen to require such officer to execute a new bond with good securities, payable and conditioned as the first, and if he shall fail to give such new bond for five days after notice that the same is required of him, he shall be removed from his said office.

SEC. 54. *Vacancy, temporary and permanent appointment.*—If any vacancy should occur in any of the offices of the City, the Mayor shall, if necessary, appoint some one to fill it until the next meeting of the Board, when the Board shall proceed to elect some one to fill such vacancy, and the officer so elected shall take the oath, and give bond with security as herein before required.

SEC. 55. *City officer shall not deal in city script, etc.*—No officer of the City, shall purchase or sell any city script, certificates of indebtedness, warrants, or claims against the city on speculation; and no officer shall loan out or use on his own account, on any pretext, any money of the City in his hands, or on any pretext, pledge or loan out any of the property, notes, bonds, or other securities of the City, except as directed so to do by authority of the Board; and the doing of any of these things is hereby declared sufficient cause of removal, and such other action as the Board may deem proper.

SEC. 56. *Inspection of officer's books.*—Every officer or agent of the City shall, at all times when requested, submit his books and official papers to the inspection of the Mayor, or to any person or committee appointed or authorized by the Board to examine the same.

SEC. 57. *Officer deliver books, etc., to successors.*—Every officer or agent of the City, on going out of office, shall deliver over to his successor, or to the Mayor, all books, papers, accounts, tools, instruments, and everything pertaining to his office.

SEC. 58. *Fines, etc., paid to Treasurer.*—It shall be the duty of any officer of this City, who is charged with the duty of collecting, or who collects any fine, fee, forfeiture, tax, license, due, or any other money on account of said City, to pay the same to the City Treasurer as soon as practicable after its receipt, and to take his receipt therefor, specifying the date, amount, and on what account said money is received.

SEC. 59. *Report of collection of fine, etc.*—It shall be the duty of any officer of this City, who is charged with the duty of collecting, or who collects any fine, fee, forfeiture, tax, license, due, or any other money on account of said City, to report the same, in writing, to the Board at their next regular meeting after said collection, and to specify the date, amount, and on what account said money was received.

SEC. 60. *Reports: when made.*—Unless it is otherwise specially provided, all whose duty it is to make reports, shall

make such reports every month, to the regular meeting of the Board of Mayor and Aldermen; and the Secretary, Treasurer, Assessor, and Collector shall also be required to make, in addition, a joint report at the end of each municipal year, of all receipts and disbursements, which reports shall be under the supervision of the committee on finance.

SEC. 61. *Officers cannot delegate their authority.*—The City Marshal, Secretary, Treasurer, Assessor, Collector, or any other officer or agent appointed or to be appointed by the Board of Mayor and Aldermen, shall not have the power to delegate the authority or any part thereof conferred upon him by virtue of his office or agency.

SEC. 62. *Officers required to nominate substitute to board.*—In case of the sickness or absence of any one of the said officers or agents, or in the event of the duties of his office or agency rendering an assistant, deputy, or substitute necessary, it shall be his duty to nominate such assistant, deputy, or substitute in writing before the Mayor; and if such nomination is approved, the person so nominated shall have authority to act as such officer's or agent's assistant, subject to his direction and control; but if his nomination is not approved, he shall not have the authority to act. This section does not infringe upon the right of the Mayor to suspend or remove any policemen.

CHAPTER VIII.

THE MAYOR: HIS POWERS AND DUTIES.

SECTION.

63. The Mayor: his powers and duties.
64. Preside at meetings.
65. Sign contracts, etc.
66. Administer oath and approve bond.
67. Holds Court.
68. Issues warrants, writs, etc., and punishes for contempt.
69. Defendant must have trial.
70. Imposes penalty or remits penalty.
71. When penalty not fixed by law.
72. Supervises officers of city.
73. May suspend marshal, etc., and make temporary appointment.
74. Communications to Board.
75. May increase police force.
76. Police force appear before him.
77. May require citizens to aid police.
78. May contract limited debts.
79. May admit defendants to bail.
80. Jurisdiction of Mayor as justice and notary.
81. May prohibit sale or giving away of liquor.
82. May offer reward.
83. Sign drafts and affix warrant to tax list.
84. Appoint and discharge policemen.
85. Must keep docket.
86. Must suppress riots and disorderly conduct.

SEC. 63. *The Mayor: his powers and duties.*—The Mayor shall have the following powers, and perform the following duties, in addition to the other powers and duties imposed upon him by the Charter of the City.

SEC. 64. *Preside at meetings.*—He shall preside at all meetings of the Board, preserve order, and see that the business is done in an orderly manner.

SEC. 65. *Sign contracts, etc.*—He shall, unless otherwise provided for, sign in behalf, and in the name of the Board, all contracts and agreements made by the Board, and shall see that such contracts and agreements shall be faithfully executed and carried out on the part of those contracting with the City.

SEC. 66. *Administer oath and approve bond.*—He shall have the power, and it shall be his duty to administer the oath of office, to and approve the bonds of each of the officers of the City, of whom such is required.

SEC. 67. *Holds court.*—It shall be his duty to hold a court each day in the year, or as often as may be necessary, except Sundays, for the purpose of trying and determining every cause brought before him.

SEC. 68. *Issues warrants, writs, etc., and punishes for contempt.*—Upon proper complaint, information, or report, he shall have the power and it shall be his duty to issue all warrants, writs, writs of arrest, summons, subpoenas, executions, *seire facias*, and all other needful process, and all and any such as is or shall be authorized by the laws of the State, or laws and ordinances of the City, whether original, mesne, or final, and in issuing any warrant it shall not be necessary to name the informer, complainant, or prosecutor. And he shall have full power to punish for contempt in the same manner and under the same rules and regulations prescribed by the Code of Alabama in reference to the punishment for contempt by Justices of the Peace.

SEC. 69. *Defendant must have trial.*—In all cases brought before the Mayor he shall give the defendant a speedy, fair, and impartial trial.

SEC. 70. *Imposes or remits penalty.*—In cases in which a defendant shall be convicted on such trial, and the fine, or fine or imprisonment, or work for the city is fixed by any ordinance, it shall be his duty to impose such fine, or fine and imprisonment, or work for the city; but in his discretion he may remit such portion of the fine, or fine and imprisonment, or work, as he may deem proper.

SEC. 71. *When penalty not fixed by law.*—When the fine or work or imprisonment is not fixed by law, then it shall be his duty to impose such as the case in his best judgment requires.

SEC. 72. *Supervises officers of city.*—It shall be his duty at all times to supervise the conduct of each of the officers of the city, and see that each one shall faithfully discharge all the duties of his office.

SEC. 73. *May suspend marshal, etc., and make temporary appointment.*—He shall have power, for good and sufficient cause to suspend the marshal, any policeman, or superintendent or overseer of the streets until the next meeting of the Board, and it shall be his duty to report such suspension and the cause thereof to the Board at its next meeting; he shall, if necessary, appoint an officer to act instead of the one suspended until the next meeting of the Board.

SEC. 74. *Communications to Board.*—He shall from time to time, make written communications to the Board, showing the physical condition of the City, its wants and necessities, with his suggestions for the remedy of any evil shown to exist.

SEC. 75. *May increase police force.*—When it shall be necessary for the preservation of the peace and good order of the City, he shall have power to increase the police force of the City; but such increase shall continue only until the next meeting of the Board, when he shall make a report of his action and the cause thereof.

SEC. 76. *Police force appear before him.*—He shall have power to require the whole police force, or any part of it, to appear before him, night or day, and to give them such orders and instructions as may be best calculated to preserve the peace, good order, or quiet of the City, when violated, or violence is threatened, or apprehended on good grounds.

SEC. 77. *May require citizens to aid police.*—He shall have power to require any citizen of the City, between the ages of twenty-one and fifty years, to aid the police force in the execution or enforcement of any law of the State, or any law or

ordinance of the City, and any person refusing to obey, shall be reported, tried, and fined.

SEC. 78. *May contract limited debts.*—He shall have power, without an order of the Board, to contract debts against the City to an amount not greater than two hundred dollars per month, for the purpose of buying and repairing the carts and gear, buying new tools, and repairing old ones, shoeing the mules, and for fuel and lights for the City Hall, and for no other purpose whatever: should any articles be so bought, a written report thereof must be made to the next meeting of the Board.

SEC. 79. *May admit defendant to bail.*—On the continuance of any cause before him, he shall have power to admit the defendant to bail, upon his giving bond with two good securities, to be approved by the Mayor, payable to the Mayor and Aldermen, in such sum as may be just, not less than twenty dollars, conditioned that defendant shall make his personal appearance before the Mayor on the day to which the cause is continued, to answer the charge upon which he was arrested, and from day to day until legally discharged.

SEC. 80. *Jurisdiction of mayor as justice and notary.*—The Mayor has, within the City and County of Tuscaloosa, all authority and jurisdiction of a notary public, and justice of the peace in reference to offenses against the laws of the State; and the forms of warrants, commitments, and other process issued by him, and all other proceedings had before him while in the exercise of such authority and jurisdiction, shall be the same as are now, or shall hereafter be provided by the laws of the State in relation to justices of the peace.

SEC. 81. *May prohibit sale or giving away of liquor.*—He is authorized to prohibit the sale or giving away of spirituous, vinous, or malt liquors of any kind, by any liquor dealer, or merchant of the City, for the space of twenty-four hours, whenever he may think it necessary for preventing a disturbance of the peace of the City.

SEC. 82. *May offer reward.*—He has power, whenever in his judgment, it may be expedient to offer a reward, of not ex-

ceeding fifty dollars, to any person, not an officer or employee of the City, who may be instrumental in arresting and convicting an offender.

SEC. 83. *Sign drafts and affix warrant to tax list.*—The Mayor shall sign all drafts upon the Treasurer for appropriations made by the Board, and shall affix his warrant to the tax list, as required by section 43 of the Charter, and section 130 of the Ordinances, on or before the first day of July of each year.

SEC. 84. *Appoint and discharge policemen.*—The Mayor shall have power to appoint, and may for cause discharge all policemen, or other employees of the City, whose appointment is not otherwise provided for by the Board.

SEC. 85. *Must keep docket.*—The Mayor shall keep a docket of all causes tried before him, in which must be entered the names of the parties the character of the offense, the return of the officer, and the entry or judgment, specifying the amount of the same and the day of its rendition, and such other orders as may be necessary.

SEC. 86. *Must suppress riots and disorderly conduct.*—It shall be the right and duty of the Mayor to suppress all affrays, riots, and unlawful assemblies, and all lewd, indecent, profane, boisterous, riotous, or disorderly conduct within the City; to do which he may summon to his aid as many of the male inhabitants thereof, as he may think proper.

CHAPTER VIII.

THE CITY SECRETARY.

SECTION.

87. The Secretary: his powers and duties.
88. Must attend meetings and keep minutes.
89. Must record ordinances.
90. Must record reports.
91. Indexing and marginal notes.
92. Must record bonds.
93. Take charge of books and countersign drafts.
94. Must issue licenses.
95. Keep license book.
96. Account with tax collector.
97. Account with marshal.
98. Account with treasurer.
99. Accounts analysed and arranged each month.
100. Bonds, etc., deposited with treasurer.
101. Attend to printing and stationery.
102. Other duties.

SEC. 87. *The Secretary: his powers and duties.*—The Secretary of the City shall have the following powers and perform the following duties.

SEC. 88. *Must attend meetings and keep minutes.*—It shall be his duty to attend all meetings of the Mayor and Aldermen, and at each meeting to enter in a well bound book all the proceeding of the Mayor and Aldermen held at that meeting, which book shall be called and labelled The Minute Book of the Board.

SEC. 89. *Must record ordinances.*—When any ordinance shall be adopted by the Mayor and Aldermen, he shall put the appropriate number on it, beginning with the number succeeding the last section of this Code, and make an entry in the minute book, showing that such ordinance, giving its date, title and number, was adopted on that day. He shall also record every ordinance so adopted in a well bound book, kept for such purposes, and labelled The Ordinance Book of the Board.

SEC. 90. *Must record reports.*—He shall keep a book, to be called and labelled, The Book of Reports. In this book he shall record as soon as practicable, the reports of the Tax Collector, the reports of the Treasurer, the reports of the Marshal, the reports of the Sexton, and any reports made by any other officers of said City, and if any of said original reports be lost or mislaid, the copy as made shall be evidence of the contents of such reports.

SEC. 91. *Indexing and marginal notes.*—Each of said Minute, Ordinance, and Reports Books shall have an alphabetical index in the beginning thereof, and marginal spaces on each page for noting the transactions therein recorded; and it shall be the duty of said Secretary to fill out said marginal spaces, and transfer his said notes to the said index, as early as practicable, after making said records.

SEC. 92. *Must record bonds.*—The Secretary shall record each of the bonds, given by the officers of the City of Tuscaloosa, in a well bound book to be kept by him, and called and labelled Officer's Bond Book, and should any of said bonds be lost or destroyed, a copy thereof made by the Secretary shall be evidence as fully as the original would have been. Said bonds shall be by the Secretary carefully preserved, and said book shall be by him indexed.

SEC. 93. *Take charge of books and countersign drafts.*—He shall take charge of and preserve all the books, papers, and records belonging to the City, and shall countersign all proper and lawful drafts of the Mayor upon the Treasurer.

SEC. 94. *Must issue licenses.*—He shall have power, and it shall be his duty, on application, to issue all licenses required by the ordinances of the City, on the delivery to him of the receipt of the City Collector, showing that the amount due for such license has been paid, and the payment to him of his fee for issuing the same. Said license shall be regularly numbered by him in the order in which they are issued.

SEC. 95. *Keep license book.*—He shall keep a stub book, to be called and labelled, The License Book, in which he shall enter each license, to whom granted, for what length of time,

and what business or pursuit, and the price paid to the City Collector therefor, and number it, and this entry he shall make as soon as he shall issue the license.

SEC. 96. *Account with tax collector.*—He shall keep an account with the Tax Collector for the City. In this he shall charge him with the whole amount of the assessment lists returned by the Tax Assessor and the amount paid for each license issued by himself on the Collector's receipt, for the City. He shall credit him by each sum paid by him to the Treasurer, and by lists of insolvency and errors allowed by the Board, and to ascertain this he shall examine the Treasurer's report, and any receipt of the Treasurer produced by the Collector.

SEC. 97. *Account with marshal.*—He shall keep an account against the Marshal. In this he shall charge him with all sums of money belonging to the City received by the Marshal, and credit him by all sums which he shall pay to the Treasurer.

SEC. 98. *Account with the Treasurer.*—He shall keep an account with the Treasurer of the City. In this he shall charge him with all the money of the City received by, or paid to him, and shall give him credit by all sums paid out by him, on proper warrants drawn and duly signed thereof, and to ascertain these facts he shall examine the reports of the Treasurer, Tax Collector and other officers, and vouchers produced.

SEC. 99. *Accounts analysed and arranged each month.*—He shall, on the first day of each month, analyse and arrange, as the finance committee may direct, all accounts presented against the City, so that the same may be examined and audited by said committee prior to the regular monthly meetings of the Board.

SEC. 100. *Bonds, etc., deposited with Treasurer.*—In case of necessity, he shall transfer to the Treasurer for safe keeping, all bonds, books, and valuable papers, and the seal belonging to the corporation, that may come into his possession.

SEC. 101. *Attend to printing and stationery.*—He shall execute the orders of the Board in regard to the publication of Laws, Ordinances and Notices, and under the direction of the Finance Committee shall have printed all blanks, and purchased all stationery, required by the officers of the City.

SEC. 102. *Other duties.*—He shall perform such other duties as are or may be required of him.

CHAPTER IX.

THE MARSHAL AND POLICEMEN.

SECTION.

103. The Marshal: his powers and duties.
104. Must attend meetings and courts, and be in charge of city hall.
105. When policemen detailed in his stead.
106. Head of city police.
107. Must execute writs, etc.
108. Powers of sheriffs and constables.
109. Arrest violators of the law.
110. Arrested persons carried before Mayor.
111. May take bond from arrested person.
112. Disorderly persons locked up.
113. Collect fines, etc.
114. Shall search out and remove nuisance.
115. See that license laws are complied with.
116. Shall act as street overseer.
117. Custodian of grounds and buildings.
118. Shall store powder in magazine.
119. May summon posse.
120. Appointment and discharge of policemen.
121. Authority of policemen.

SEC. 103. *The marshal: his powers and duties.*—The Marshal of the City of Tuscaloosa shall have the following powers and perform the following duties, in addition to such other powers and duties as may be conferred upon him by law.

SEC. 104. *Must attend meetings and courts, and be in charge of City Hall.*—The Marshal shall ring the bell for and attend all meetings of the Board of Mayor and Aldermen, and all sessions of the Mayor's court, and see that the City Hall is supplied with lights, fires, and other necessities. And he shall report any derangement in the running of the city clock to the Mayor.

SEC. 105. *When policeman detailed in his stead.*—Should

official business call him off during the sitting of the Board, or of the court, he shall require a policeman to attend the same in his place, who shall be empowered to perform all the duties required of the Marshal.

SEC. 106. *Head of police.*—The Marshal shall be the head of the police of the city, and as such it shall be his duty, without fear or favor, to require and to see that each policeman shall do his whole duty; and he shall exercise a general and particular care and guardianship over the peace, safety, and good order of the city.

SEC. 107. *Must execute writs, etc.*—He shall execute, without delay, all the lawful ordinances, resolutions, by-laws, and orders of the Board of Mayor and Aldermen, and all writs, writs of arrest, warrants, summons, executions, rules, attachments, notices, *scire facias*, and all other process original, mesne, and final, which may be issued by the Mayor, and sell property under execution, and make title to the property so sold.

SEC. 108. *Powers of sheriff's and constables.*—In the discharge of any of the duties above imposed he shall have all the rights and powers that Sheriffs and Constables have, and be entitled to all the protection, privileges, and immunities that they are entitled to; and his authority as such shall extend within the corporation of the City of Tuscaloosa, and within one mile thereof.

SEC. 109. *Arrest violators of the law.*—He shall have power, and it is made his duty, to arrest all persons who violate the penal laws of the State in this city, and who violate any ordinance of the City, and such arrests shall be made as is provided in another section of this Code.

SEC. 110. *Arrested persons carried before mayor.*—Whenever any person is so arrested, the Marshal shall carry such person before the Mayor, for examination and commitment for a violation of a State law, or for trial for a violation of an ordinance of the City.

SEC. 111. *May take bond from arrested person.*—Whenever the Marshal shall arrest any person charged with an offense,

such person may be released at the discretion of the arresting officer, on bond as is elsewhere provided.

SEC. 112. *Disorderly persons locked up.*—The Marshal shall place in the guard house, and safely keep therein, all riotous and disorderly persons, who may be apprehended by him, or by the city police, and take them before the Mayor at the time of holding court.

SEC. 113. *Collect fines, etc.*—The Marshal shall collect all fines, forfeitures, and penalties that may be imposed or inflicted by the Mayor, and pay the same to the Treasurer, taking his receipt therefor; and shall make a report of such collections at each meeting of the Board.

SEC. 114. *Shall search out and remove nuisance.*—It shall be the duty of the Marshal to search out and remove nuisances, if within his power, and if not to report the same to the Mayor; he shall also, within the fire limits, search out and report to the Mayor, all cases where danger from fire may exist.

SEC. 115. *See that license laws are complied with.*—It shall be the duty of the Marshal to see that all persons liable thereto, have taken out licenses, and to report those neglecting or violating the license laws to the Mayor: and he shall see that all peddlers and transient dealers comply with the laws and ordinances concerning them.

SEC. 116. *Shall act as street overseer.*—The Marshal, under the direction of the street committee, shall act as superintendent of streets, and in the absence of a special overseer, shall superintend all improvements and repairs thereof. He shall promptly report to said committee all cases that come to his knowledge, requiring speedy action, and shall have charge of all tools and implements belonging to the city, and be responsible for their efficiency and safe keeping.

SEC. 117. *Custodian of grounds and buildings.*—The Marshal, under the direction of the public grounds and buildings committee, shall act as custodian of the grave yard, public buildings, and grounds. He shall report to said committee all repairs

needed on said buildings and grounds, and cause the same to be made as they may direct.

SEC. 118. *Shall store powder in magazine.*—The Marshal, at the powder magazine, shall receive, mark, and safely keep all powder offered for storage, and deliver the same to the owner when called for; *provided*, that application is made between sunrise or sunset; but in no case shall he deliver on Sunday, or at night.

SEC. 119. *May summon posse.*—In executing any of the duties of the Marshal, he shall have power to summon to his aid any male citizen of the city, between the ages of twenty-one and sixty.

SEC. 120. *Appointment and discharge of policemen.*—The city police shall consist of such number as may from time to time be determined by the Board of Mayor and Aldermen, and shall be appointed and discharged by the Mayor, unless otherwise provided.

SEC. 121. *Authority of policemen.*—Each policemen of the city shall have the power and authority conferred upon the Marshal of the city by the charter and ordinances thereof, subject to the direction and control of the Mayor, who shall prescribe the rules and regulations for their exercising the duties herein required, and under the supervision of the Marshal.

CHAPTER X.

THE TAX ASSESSOR.

SECTION.

- 122. Assess taxes and make lists.
- 123. Notice of sessions.
- 124. Duty of tax payers.
- 125. When assessor must assess taxes.
- 126. False or fraudulent list.
- 127. Assessment book.
- 128. Objections and exceptions to assessments.
- 129. Hearing exceptions by the Board.
- 130. Levy of taxes.
- 131. List delivered to collector.

SEC. 122. *Assess taxes and make list.*—The Assessor shall, each year, between the fifteenth day of April, and the first day of May, make a full and complete assessment of all the taxable property, real and personal, and other items of taxation, in the city, and a complete list of all the persons liable to street or poll tax.

SEC. 123. *Notice of assessor's.*—The Assessor shall give ten days' notice of the time and place of making said assessment by publication in some newspaper published in said city, and at the sessions for such purpose he shall receive from the citizens, under oath, a correct list and estimate of the value of all property, and also of polls, subject by the laws of the city to taxation.

SEC. 124. *Duty of tax payer.*—It shall be the duty of all persons liable to taxation to attend at the place and within the time designated in such notice, and to render to the Assessor a complete list of all the property and items of taxation upon which he is liable to be taxed, and the Assessor shall enter such property and other items of taxation upon a blank assessment list, which shall show the property and other items of taxation as-

sessed, and the amount or value of each item as assessed by the Assessor, and the tax payer shall subscribe an affidavit thereon that such assessment contains a correct list of his taxable property and other items of taxation, according to the best of his knowledge and belief, which oath may be administered by the Assessor.

SEC. 125. *When assessor must assess taxes.*—After the expiration of the time so appointed by the Assessor, as herein before provided, the Assessor shall make a demand in person upon such tax payers as have failed to render their lists within said time, and if the Assessor is not able to find such tax payers by the first day of June, or if any person shall fail or refuse to render to the Assessor such list of his taxable property and other items of taxation before said first day of June, the Assessor shall ascertain from inquiry, or otherwise, the property and other items of taxation upon which such person is liable to be taxed, and shall assess the same according to the best of his information and judgment, and shall make a note of the fact in the assessment returned by him. For making such assessment, as is in this section provided, the Assessor shall be entitled to a fee of one dollar, which shall be added to and collected with the tax assessed.

SEC. 126. *False or fraudulent lists.*—If the Assessor is satisfied that the list rendered by any tax payer is false, or fraudulent, or incomplete, he shall notify the tax payer to that effect, and assess the property and other items of taxation of such tax payer, according to the best of his information and judgment, and shall make a note of such fact in the assessment. For correcting such assessment, as is provided in this section, the Assessor shall be entitled to a fee of one dollar, which shall be added to and collected with the tax assessed.

SEC. 127. *Assessment book.*—The assessments made by the Tax Assessor, and the list of persons liable to street or poll tax, shall be entered by him in a book suitably ruled and substantially bound, which shall show in separate columns the names of the persons assessed in alphabetical order, the real estate assess-

ed to each person and the value of the same, and the number and kind, and value and amount, of every species of taxable property or other items of taxation assessed to each person. Said book shall also show the whole amount or value of each separate item of taxation entered therein—distinctly setting forth the whole value of real estate in the city assessed, the total value of the personal property assessed, and the total amount of other items of taxation.

SEC. 128. *Objections and exceptions to assessments.*—The assessments and assessment book provided for by the preceding section, shall be returned to and deposited with the Mayor on or before the first day of June in each year; and the city Secretary must, without delay, give notice by publication for not less than ten days in some newspaper published in said city, that the book of assessment of city taxes is ready and open to the inspection of all persons interested, and that all objections or exceptions to the assessments must be made in writing within the first three weeks of the month of June, or within thirty days from the assessment thereof. All objections or exceptions to the assessments must be made in writing, and filed with the Mayor within said time, and it is his duty to lay them before the Board, and the person making the same may appear before the Board in person or by attorney.

SEC. 129. *Hearing exceptions by the Board.*—At the first regular meeting, or at a special meeting to be called for the purpose by the Mayor, during the month of July, of which the city Secretary shall give ten day's notice by publication in some newspaper published in said city, the Board of Mayor and Aldermen shall take up, hear, and determine the said objections and exceptions filed, and shall examine the said assessment book, and in case errors are found, shall cause the Secretary to enter the said corrections plainly upon the said assessment book.

SEC. 130. *Levy of taxes.*—As soon as said corrections are made, or if no errors are found, as soon as said examination is completed, the Board shall determine the taxes to be levied for the current year, on the property and other items of taxation in

the city, and the amount to be assessed as a street tax or poll tax upon persons liable thereto, and shall cause the Assessor, under the supervision of the Board, to enter upon said assessment book, opposite the name of each person, the tax assessed upon his several items of taxation, including the street or poll tax, and any special assessment of taxes, and the total amount of taxes assessed against him; and also to calculate and enter upon said book the aggregate amount of all the taxes so assessed. And when said entries have been examined, and when necessary, corrected by the Board, the Mayor shall make and sign a certificate upon or appended to said assessment book, that the same has been examined by the Board, and all necessary corrections made therein, and that the taxes therein shown and assessed have been duly levied by the Board of Mayor and Aldermen for the current tax year, which certificate shall be attested by the Secretary. The assessment book, so certified, must be deemed the original assessment book, and shall remain in the custody of the city Secretary.

SEC. 131. *List delivered to collector.*—Within two weeks after said assessment book has been corrected, the Secretary shall give the Collector a list of the tax payers, and the amount of tax due from each, any special tax being shown separately, as shown by said book.

CHAPTER XI.

THE TAX COLLECTOR.

SECTION.

- 132. Public notice of when taxes are due.
- 133. Escaped taxes.
- 134. What collector chargeable with, and how released.
- 135. List of errors and insolvencies.
- 136. Property sold after November first.
- 137. Deed of Tax Collector.
- 138. Deeds recorded by Secretary.
- 139. Deeds recorded in probate office.
- 140. Deeds *prima facie* evidence in suit.
- 141. How real estate thus sold may be redeemed.
- 142. Relinquishment of possession.
- 143. Notice to purchaser.
- 144. City purchases property in default of sufficient bid.
- 145. Excess of sale paid to owner.
- 146. Report of Collector.
- 147. May sell for past taxes.

SEC. 132. *Public notice of when taxes are due.*—Upon receiving the said tax list of the city, the Collector shall give notice in some newspaper published in said city, for thirty days, that the city taxes for the year are required to be paid him on or before the first day of October, next ensuing; and of the time and place he will attend from the first day of September to the first day of October for the purpose of receiving taxes. After the first day of October the Collector shall make a personal demand upon such tax payers as have not paid their taxes, and, when unable to find them, shall leave a written notice at the place of residence of such tax payers, and he shall be entitled to collect as his fee one dollar for making such demand or giving such notice.

SEC. 133. *Escaped taxes.*—It shall be the duty of the Collector to assess the taxes of such persons as have escaped the Assessor,

entering up all such assessments in the back part of the book of assessments of each year, and to collect the same as other taxes.

SEC. 134. *What collector chargeable with, and how released.*—The Collector shall be charged with and accountable for the whole amount of taxes assessed for each year, as shown by the assessment book, and with the taxes of persons escaping the assessor and assessed by the Collector, and with the penalty incurred by delinquent tax payers, and with all other taxes or dues from all other sources owing the city, collected or legally collectible by the Collector; and he shall only be released from such liability by showing the entire insolvency of the person whose taxes he has failed to collect, and that the amounts charged against him cannot be collected by the utmost diligence and the use of all the means given by law.

SEC. 135. *List of errors and insolvencies.*—The Collector shall report to the Board at their first regular meeting in February of each year, on oath, a list of persons out of whom he is unable to make the taxes for the current year of taxation, which shall be termed “the list of insolvencies;” and also another list, of such persons as have been overcharged in the assessment, which list shall be termed “the list of errors in assessment;” and the Board, after examining such lists, shall give him credit for such amount of insolvencies and errors of assessment as said Board shall allow.

SEC. 136. *Property sold after November first.*—After the first day of November of each year, the Collector shall proceed, without delay, to levy upon any personal property of delinquent tax payers—such as have not paid their taxes—and if no personal property of a sufficient amount can be found, he shall levy upon the real estate of such delinquent, and shall give notice by advertisement in some newspaper published in the city of Tuscaloosa, for four weeks, which notice shall describe the lot or lots, or part or parts of the same by number, on which said tax was levied, and give the name of the person to whom assessed, or state that the owner is unknown, and also the amount of the tax assessed, and what amount is due and unpaid on said property, and for what year or years it is due, and shall also

state that the Tax Collector, will on a certain day, at the Court House door of said County, proceed to sell each of said lots upon which the taxes and dues shall not have been paid, or so much thereof as shall be sufficient to pay the same on the appointed day; and on such day, unless the Tax Collector for good cause shall adjourn the sale to some other day, not longer than ten days from the time appointed, and then on that day shall proceed to sell any of said lot or lots on which the taxes overdue still remain unpaid, or so much thereof as will be sufficient to satisfy the taxes assessed, and the costs incurred in advertising and making a deed to the purchaser thereof.

SEC. 137. *Deed of the tax collector.*—The Tax Collector shall give the purchaser at tax sales a deed in substance as follows:—

The State of Alabama }
County and City of Tuscaloosa. } Know all men by these presents, that I,———as Tax Collector of the city of Tuscaloosa, do hereby certify, that the city taxes for the year 18 , (or the particular tax as the case may be), being due and unpaid on a lot of land in said city, numbered in the plan thereof as lot number (or the East or West part of lot number , as the case may be), assessed for taxes as the property of———(or the owner unknown), I have this day sold the same (or such part as he may sell), to———, who has paid the taxes and dues thereon amounting to———dollars, including fee of two dollars for advertising sale and making this deed, and for and in consideration of the premises, and the said sum of———dollars, to me in hand paid, the receipt whereof is hereby acknowledged, I do bargain, sell, and convey, as Tax Collector, and by these presents have bargained, sold, and conveyed, to the said———, the purchaser, the lot or lots above described, together with all its appurtenances, to have and to hold the same unto him and his heirs and assigns forever, unless within two years from the date thereof, the owner or some person interested in said lot, or his agent or attorney, shall redeem the same.

In witness whereof, I hereunto set my hand and the seal of
the said corporation, this the _____ day of _____ 188____

City Tax Collector.

SEC. 138. *Deeds recorded by Secretary.*—The Mayor shall cause the Secretary of the corporation to record each of said deeds in a well bound book to be kept for such purpose, and to affix the seal of the City of Tuscaloosa thereto; the fee of the said Secretary for such work shall be fifty cents, to be paid by the owner of the deed.

SEC. 139. *Deeds recorded in probate office.*—The purchaser of any lot of land situate in the City of Tuscaloosa, and sold at any tax sale by the Tax Collector thereof, is required to have such deed acknowledged and recorded in the office of the probate judge in said county within six months after the making thereof.

SEC. 140. *Deeds prima facie evidence in suit.*—In any suit or action in law or equity in this State, concerning the title, or the possession of any lot of land situate in this city, sold at any tax sale by the Tax Collector thereof, the deed made to the purchaser of said lot, in substantial compliance with the requirements of this Code, shall be by said court having jurisdiction of the cause, received as *prima facie* evidence of a good and sufficient title, in law or equity, to the lot or lots of land conveyed in said deed to the purchaser or claimants under them.

SEC. 141. *How real estate thus sold may be redeemed.*—Any lots of land or real estate which have been or may be sold for taxes in the city of Tuscaloosa, may be redeemed within two years from the day of sale, by any person interested therein, who will deposit with the city Treasurer, for the use of the purchaser, the amount of purchase money including all costs of advertising, selling, making deed, and recording the same by Secretary of Board and Probate Judge, with twenty per cent. per annum interest, together with all taxes which may be due to the city on said property, and upon such deposit, if made within two years from the day of sale, the title created by the sale and deed to purchaser herein before provided shall cease and determine.

SEC. 142. *Relinquishment of possession.*—When the deposit mentioned in the preceding section is made, the Secretary of the Board shall give the party making it a certificate thereof,

to which the seal of the corporation shall be attached, for which said Secretary shall receive a fee of one dollar; and upon granting said certificate the purchaser at the tax sale, and claimants under him, shall relinquish possession, and if after demand, any person shall fail or refuse to give up possession, they shall be deemed unlawful detainers of said property, and shall be liable as such, in any assessment, action, or suit therefor at the instance of any one entitled to the possession of said lot of land.

SEC. 143. *Notice to purchaser.*—The Secretary of the Board shall, so soon as said deposit is made, notify the purchaser, and pay over to him the purchase money, and all other expenses about said sale and recording said deed, with the twenty per cent. interest thereon, and take his receipt therefor.

SEC. 144. *City purchases property in default of sufficient bid.*—The Mayor or City Secretary shall attend all tax sales of real estate made under the ordinances of the city, and if the amount bid by other persons for such real estate is not sufficient to pay all the taxes due thereon, with all costs and expenses of sale, the Mayor or Secretary shall bid off the same in the name of and for the Mayor and Aldermen of the City of Tuscaloosa as purchaser; and the Collector shall make a deed to said Mayor and Aldermen in the form heretofore prescribed, with such changes therein as may be necessary to suit the facts. The City Marshal shall take possession of all real estate so purchased by the City, and if any person shall resist or molest him in the discharge of said duty, such person shall be subject to a fine of not less than twenty dollars; and the Marshal is authorized to call on the Mayor for any force or assistance necessary to take and keep possession of said property.

SEC. 145. *Excess of sale paid to owner.*—Whenever the proceeds of the sale of any property for taxes amount to more than the taxes and other charges due, the Collector must pay the excess to the owner, and if the owner is unknown he must pay such excess to the Treasurer and take his receipt therefor.

SEC. 146. *Report of Collector.*—The Collector shall make report of his collections to each regular meeting of the Board,

with the date of collection, the names of the persons from whom collected, the amounts from each, and on what account collected, and the amounts and dates of his payments to the City Treasurer, which reports shall be filed and recorded by the City Secretary.

SEC. 147. *May sell for past taxes.*—When any tax payer has heretofore failed, or shall hereafter fail to pay his taxes, and when the Tax Collector shall fail, or has failed to sell the property of such delinquent tax payer within the time limited, it shall be lawful for such Collector, or any subsequent Collector, at any time thereafter, to sell the property of such delinquent tax payer, after having given the notice required by the laws of the city. *Provided*, that nothing herein contained shall have the effect to release any Tax Collector and the sureties on his bond from liability for not having sold the property in proper time; and *provided further*, that if the Tax Collector shall have paid such delinquent taxes, the power of sale herein granted shall not exist or be exercised.

CHAPTER XII.

THE TREASURER.

SECTION.

- 148. Receives money and receipts therefor.
- 149. General duties.
- 150. Manner of keeping books.
- 151. Yearly statement.

SEC. 148. *Receives money and receipts therefor.*—The Treasurer shall receive from the Tax Collector of the city, and all the officers of the city, all the moneys belonging to the city, and give to each one a receipt therefor specifying on what account it is paid him, and safely keep the same until he pays it out as hereinafter directed.

SEC. 149. *General duties.*—The Treasurer shall pay all drafts signed by the Mayor and Secretary, and no others; he shall receive and safely keep the valuable books and papers belonging to the corporation; he shall present a balance sheet, with vouchers, to the Board, at every monthly meeting; and he shall keep, in durable books, correct and clear accounts of all moneys received or disbursed by him, which shall belong to the city, and always be subject to examination by the finance committee.

SEC. 150. *Manner of keeping books.*—He shall keep the account of moneys received under the following heads:—licenses, taxes, street tax, fine, school fund, and other sources, and shall require the officer depositing, to specify every deposit according to these items.

SEC. 151. *Yearly statement.*—At the end of each fiscal year the Treasurer shall furnish the Board with an annual statement of the year's business and transactions.

CHAPTER XIII.

THE CITY ENGINEER.

SECTION.

- 152. How and when elected.
- 153. His qualifications.
- 154. His office, where kept.
- 155. Has charge and supervision of streets, lanes, alleys, etc.
- 156. His powers and duties.

SEC. 152. *How and when elected.*—The Mayor and Aldermen, shall, when necessary, elect a City Engineer, who shall hold his office till the next election of Mayor and Aldermen, and until his successor is elected and qualified.

SEC. 153. *His qualifications.*—No person is eligible to and shall be elected to fill the office of City Engineer, who does not present satisfactory evidence that he has studied and understands civil engineering as a science, and is practically acquainted with its details.

SEC. 154. *His office, where kept.*—He shall keep his office in the municipal building, or such other place as the Board may procure for him, and shall keep it open during business hours, unless absent on the business of his office.

SEC. 155. *Has charge and supervision of streets, lanes, alleys, etc.*—He, subject to the direction and control of the street committee, shall have under his charge and supervision all the streets, pavements, sidewalks, all the lanes and alleys, all the sewers, culverts, ditches, drains, and gutters in the city, now established as public.

SEC. 156. *His powers and duties.*—He shall have the following powers and perform the following duties as such engineer:

1. He shall make a full and accurate survey of the city, and in doing so he shall make out and define each of the public streets, lanes, alleys, pavements, and sidewalks, giving the width and direction of each.

2. He shall ascertain the ascent and descent of each of them.
3. He shall ascertain the highest point in each of them, and shall ascertain how many points there are in each of them, from which water will flow in different directions, and in what direction it flows.
4. He shall ascertain and fix the place of all the sewers, ditches, drains, or gutters necessary to carry off all the surface water, and the width, depth, and grade of each of them.
5. He shall mark out each natural water course, give its direction, width, depth, and grade, and show whether or not it is sufficient to carry off all the water.
6. He shall, with the concurrence of the street committee, survey, define, and mark out such new streets as public good may seem to require; and in all cases where the owner or owners will give the land necessary, he shall, with their concurrence, establish as public the streets so marked out by him.
7. On the application of any person wishing to build or repair a house on the street, or to build or repair a fence, he shall mark out for them the line of the street, beyond which they cannot go, for which he may charge them two cents per foot of the line run by him.
8. When he shall have completed the work above required of him, he shall make a full and complete map of the city, showing all the above facts, with notes so copious as to enable the Mayor and Aldermen to understand his map, which map and notes he shall report to them for their approval, which, when approved, shall be the property of the city, and form part of its public muniments and records, which shall be binding on all the citizens of the city.
9. On the application of any person wishing to build a pavement, or to repair an old one, he shall mark out such pavement, and give such person the proper grade and width.
10. When it is proposed by the Mayor and Aldermen to open a new street, or to extend or widen an old one, he shall make a

survey of such proposed new street, or extending or widening an old one, and make a map of it, giving length, width, direction and grade, and if such new street is established, or old one extended or widened, he shall mark the same on the general map of the city.

11. He shall examine the main sewer of the city, leading from South to North, and decide if the grade thereof be sufficient, and if not, what the grade should be to carry off all the surface water.

12. He shall make all plans, specifications and estimates for all the bridges in the city, or any other and all public works of the city.

13. He shall report to the Mayor all houses, walls, buildings, or any other structure, which are liable to fall and injure any person

14. On the request of any person he shall survey any lot or land in the city, and give a plat thereof, for which he shall be entitled to charge the same fees as are allowed the county surveyor for like services.

CHAPTER XIV.

THE CITY SEXTON AND CEMETERIES.

SECTION.

- 157. Evergreen cemetery and new graveyard.
- 158. No interment in any other place.
- 159. Graves four feet deep.
- 160. No interment at night without written permission.
- 161. General duties of Sexton.
- 162. Has charge of lots.
- 163. Keeps register and requires certificate of person buried.
- 164. Burial of paupers.
- 165. Digging graves and opening tombs.
- 166. Fines of physician or Sexton.
- 167. Neglect of duty by Sexton.
- 168. Regulations as to lots.
- 169. Price of lots.

SEC. 157. *Evergreen cemetery, and new graveyard.*—That the lot of land, and fence and gates around it, known as Evergreen Cemetery, and the lot of land, east of the city limits, known as the New Graveyard, be established as the cemeteries of the city.

SEC. 158. *No interment in any other place.*—No interment of any person shall be made in any other place within said city limits than in the places named.

SEC. 159. *Graves four feet deep.*—No grave, dug within said cemeteries, shall be less than four feet deep.

SEC. 160. *No interment at night.*—No interment of the dead shall be made in the city after the going down of the sun, and before the rising thereof, without written permission from the Mayor, specifying the reasons therefor.

SEC. 161. *General duties of Sexton.*—The Sexton shall have charge of all the grounds, walks, drives, fences, gates, shrubbery, flowers, ornaments, graves, tombs, tombstones, monu-

ments, and other property pertaining to the city cemeteries; present trespasses thereon, and all intrusions upon its lots and squares; report any repairs, he may deem necessary, to the public grounds and building committee, and superintend all work authorized to be done in the cemeteries.

SEC. 162. *Has charge of lots.*—He shall collect and pay over to the Treasurer, all moneys in payment for lots designate the lots in such manner as to secure them to the person purchasing; and report to the Mayor whenever any lot or lots have been purchased, with the name of the purchaser, and the number of the lot.

SEC. *Keeps register and requires certificate of person buried.*—He shall keep a register of all deaths in the city, and all burials in the cemeteries, giving the name, age, sex, color, place of birth, residence, and date of burial of each, and he shall require a certificate from the attending physician, if any, and if none, of the relatives or friends of any deceased person, of the cause of the death of deceased, before interment. In case of violence, he shall take the certificate of the Coronor in lieu of that of a physician, and he shall furnish the Board once a month a copy of such register, together with such certificates.

SEC. 164. *Burial of paupers.*—If any person should die in the city without friends or means to pay the expenses of his burial, the Sexton shall have him buried at the expense of the city, and report that fact to the Board at its next meeting.

SEC. 165. *Digging graves and opening tombs.*—He shall attend to the digging of all graves, depositing the dead therein, and filling them up; and shall attend to the opening of all tombs and vaults, depositing the dead therein, and closing them up.

SEC. 166. *Fines of physician or Sexton.*—A fine of ten dollars shall be imposed on any physician, coronor, relative, or friend refusing to give the required certificate, and a like fine shall be imposed on the Sexton for burying any person without such certificate.

SEC. 167. *Neglect of duty by Sexton.*—Should the Sexton neglect or refuse to dig or fill up a grave, or improperly treat

any dead body, or otherwise fail or refuse to attend to his duties he shall be fined ten dollars by the Mayor, and dismissed from office by the Board.

SEC. 168. *Regulations as to lots.*—No person shall enclose any lot, or parcel of ground in the old part of Evergreen Cemetery, except by permission of the Board, nor in the rear part of such cemetery, unless such person shall have purchased from the Board such lot or parcel of ground.

SEC. 169. *Price of lots.*—The prices of lots, in the new burying ground, shall be as follows:—For lots running north and south up to Nos. 41, 47, and 54, fifteen dollars each, and the remainder south, at ten dollars each, and the fractions at five dollars each; but these prices may be at any time changed by the Board.

CHAPTER XV. THE CITY ATTORNEY.

SECTION.

170. Legal adviser of corporation.

171. Prosecute violators of the law, on notice.

172. Written opinions.

173. Defends officer of city.

SEC. 170. *Legal adviser of corporation.*—The city attorney shall be the confidential legal adviser of all persons charged with the making and administration of the laws and ordinances of the city, and of all persons engaged in the management of the business of the city.

SEC. 171. *Prosecute violators of the law on notice.*—He shall, on notice, appear and prosecute all persons arrested for the violation of any municipal law or ordinance.

SEC. 173. *Written opinions.*—When requested, he shall give written opinions, upon all questions of law that may be submitted to him by the Board of Mayor and Aldermen, or by their direction.

SEC. 173. *Defends officer of city.*—Upon the written request of the Mayor, or of the Mayor and Aldermen, he shall defend any officer of the city who may be sued or prosecuted for any act done by him in the discharge of his duties as such officer, and shall perform the other legal duties of the city.

CHAPTER XVI.

TAXATION AND LICENSES.

SECTION.

- 174. Persons and property exempt from taxation.
- 175. Street tax.
- 176. Amount of tax on real and personal property.
- 177. Tax for school purposes.
- 178. Property to be assessed at its cash value.
- 179. By whom property given in to assessor.
- 180. To whom assessed, and when.
- 181. Tax year, commencement and end.
- 182. Taxes force and effect of judgment.
- 183. Tax payer must give a list and what it shall contain.
- 184. Penalties on certain persons for not giving in taxes.
- 185. Licenses, who shall take out.
- 186. Receipt, and form of.
- 187. Who shall issue license.
- 188. When oath made before Collector.
- 189. No license transferable.
- 190. Limited to use of party licensed.
- 191. Expiration of licenses, etc.
- 192. Who must take out license, and amount therefor.

SEC. 174. *Persons and property exempt from taxation.*—All persons and property which are now or may be hereafter declared to be exempt from taxation under the laws of the State of Alabama, are exempt from taxation under the provisions of this Code. The Board of Mayor and Aldermen have power and authority to exempt from taxation industrial and other manufacturing and enterprises, which may be erected and commence operation within the corporate limits of this city.

SEC. 175. *Street tax.*—There shall be annually assessed upon and collected from every male inhabitant of the city between the ages of eighteen and forty-five, not exempt from taxation by the laws of the State, such sum, not exceeding five dollars, as

the Board shall determine, as a street tax. *Provided*, that any person liable for such street tax, may relieve himself of the same by working the streets of the city for ten days, under the direction and control of the street overseer.

SEC. 176. *Amount of tax on real and personal property.*—There shall be levied, assessed, and collected an annual tax of such *per centum* as the Board may determine for each year, not to exceed one half of one *per centum*, on the value of all real and personal estate and property within the city, except such as is exempt from taxation.

SEC. 177. *Tax for school purposes.*—There shall be levied, assessed, and collected an annual tax of such *per centum* as the Board may determine for each year, not to exceed one fourth of one *per centum*, on the value of the taxable property of the city, for school purposes, which shall be kept and accounted for separate and distinct from the other funds and taxes of the city.

SEC. 178. *Property to be assessed at its cash value.*—All property, real and personal, shall be estimated at its cash value in money, according to the best judgment that the Tax Assessor of the city can form by information, inspection, or otherwise.

SEC. 179. *By whom property given in to assessor.*—The property of every ward shall be listed by his guardian; or every minor child, having no other guardian, by his father, if living; if the father be dead, by the mother, if living; if the mother be dead or married, by the person having it in charge; of the wife, by the husband, if living and sane, and the parties are living together; if the husband be dead, or insane, or is not living with his wife, by the wife; of every other person for whose benefit property is held in trust, by the trustee; of every deceased person, by the executor or administrator; of those whose property or assets are in the hands of receivers, by such receivers; of every firm, company, body politic or corporate, by the president, principal accounting officer, or manager, partner or agent thereof; of all persons in the custody of any public officer, by such public officer; of those absent or unknown, by their agent or person having it in charge; of insane or idiotic persons of full age, by their

guardians, if they have any; if they have no guardians, by the person having it in charge, of lessees of real property, by such lessees. All persons required by this Code to list property for others shall list it separately from their own, and in the name of the owner thereof, but shall be personally responsible for the taxes thereon for the year in which they list it, and may retain so much thereof, or of the proceeds of the sale thereof, in their own hands as will be sufficient to pay such taxes.

SEC. 180. *To whom assessed, and when.*—All real and personal property subject to taxation by the laws and ordinances of this city, shall be assessed to the person owning or having possession of the same, on the first day of March of the same year in which the assessment is made, and if the owner of real estate is unknown it is to be assessed as belonging to persons or owner unknown. All property mortgaged or pledged is, for the purpose of taxation, to be taken as the property of the person in possession. Commission merchants and pawnbrokers shall be deemed the owners of all property in their possession for the purposes of taxation. Partners may be assessed in their joint names, and the property of each shall be liable for the whole tax.

SEC. 181. *Tax year, commencement and end.*—The tax year shall commence on the first day of March in each year, and end on the last day of February of the succeeding year, and, unless otherwise provided, property shall be given in by and assessed to the person owning or having the same in possession on the first day of March of the year for which the assessment is made, and shall be assessed at its cash value on that day. The lien for taxes shall attach on the first day of March to all the property then owned by the tax payer, and on property other than real estate which he may acquire during the year as soon as the same shall be acquired.

SEC. 182. *Taxes force and effect of judgment.*—All the taxes levied by the Mayor and Aldermen of this city shall have the force and effect of a judgment at law against the individual so assessed, and against the real estate assessed to all "owners unknown," and the lien of said judgment shall be of the same

force and effect as if it had been recovered in the circuit court of the County of Tuscaloosa. *Provided*, that no property shall be exempt from sale to pay said taxes so assessed in this city.

SEC. 183. *Tax payer must give a list and what it shall contain.*—That every person of full age and sound mind, and every firm, association, body politic or corporate, shall in each year, within the time hereinafter designated, render to the Assessor a correct description and complete list of all the real and personal property in said city not exempt from taxation, of which he is the owner or holder, and of all the other items upon which he is liable to be taxed, individually or as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent or factor, and also all moneys or credits held as aforesaid. Said list shall embrace and set forth:

1. An accurate description of each parcel or lot of land, its quantity, whether improved or unimproved, and the value of such lot or parcel.

2. The gross amount of all stocks of goods, wares and merchandise, drugs, jewelry, groceries or commodities of any kind on hand and kept or held for sale, to be assessed upon not less than the largest amount on hand at any one time during the preceding tax year. *Provided*, That any goods, wares, merchandise, drugs, jewelry, groceries or commodities of any kind offered for sale by any dealers, transient or permanent, commencing business subsequent to the first day of May of the year in which the assessment is made, shall become at once liable to the tax, and must be estimated upon the maximum amount thereof. But if such dealer or person shall continue in business during the succeeding tax year, he shall not be required to pay a tax during such succeeding tax year, upon the stock of goods which was assessed and which he paid tax on the preceding year, but only on the gross amount of stock required by him after such former assessment and before the commencement of the succeeding tax year.

3. The number each of cattle, mules, horses, sheep, goats and hogs over six months old, and their value.

4. Every wagon, carriage and other vehicle, and their value.

5. All tools and implements of whatever description, and their value.

6. All household furniture and its value.

7. All libraries not exempt by law and their value.

8. All jewelry, plate and silverware, ornaments and articles of taste, pianos and other musical instruments, and paintings except family portraits, and their value.

9. All pistols and guns, bowie knives and dirks, and their value.

10. All cotton gins and cotton presses, and their value.

11. All studs, jacks, jennies and race horses, and their value.

12. All gold and silver watches, and gold safety chains, and their value.

13. All money hoarded, or kept on deposit, subject to order, either in or out of the State, except funds held subject to drafts in the prosecution of a regular exchange business.

14. All money loaned and solvent credits, from which credits the indebtedness of the tax payer shall be deducted, and the excess only shall be taxed.

15. All money employed in buying or trading in paper, or in regular exchange business, or invested in paper, whether by individuals or corporations, except where the money so employed or invested is otherwise taxed as capital.

16. All shares of stock in any incorporated company, including herein shares in national banks incorporated or organized under the laws of the United States, and their value.

17. All investments in bonds, except bonds of the United States, and this State, and of this city.

18. All other property, real or personal, not otherwise specified herein or exempt by law from taxation, and its value.

19. The gross amount of premiums received by insurance companies or insurance agents during the year preceding the assessment.

20. The gross receipts during such preceding year of all cotton presses or cotton gins, and from the storage of merchandise or produce.

21. The gross receipts during such preceding year of lotteries and gift enterprises.

22. The gross receipts during such preceding year of express and telegraph companies.

23. The gross receipts during such preceding year of all distilleries.

Said list shall also set forth what, if any, portion of the real or personal estate embraced therein is situated in those parts of the city which have been brought within the limits of the corporation since the year 1860.

SEC. 184. *Penalties on certain persons for not giving in taxes.*—All managers and agents of insurance, express, and telegraph companies shall, within the time hereafter designated for the delivery of lists by tax payers to the Assessor, render to the Assessor a full and true statement, under oath, of the gross receipts of their respective offices or agencies for the year ending on the thirty-first day of December preceding the assessment, and the agents of such companies shall pay the tax thereon to the Collector, and retain the amount out of any money in their possession belonging to the company. And when any such company, manager or agent shall fail or refuse to make and render such statement, within the time prescribed, the Assessor shall proceed to estimate upon the best information he can obtain, the gross receipts of such company, office, or agency, during such preceding year, and add thereto one hundred per centum, and the tax shall be assessed on the total amount thus ascertained. In case of the failure or refusal of such manager or agent to render such statement after demand made by the Assessor, the Assessor may renew the demand as often as he may choose, and for each successive refusal or failure to render such statement, such manager or agent shall be liable to a penalty of fifty dollars. And the Mayor, may on conviction of such manager or agent, also forfeit and annul the license of such company or agent.

SEC. 185. *Licenses: who shall take out.*—Any person, firm, company, or corporation who desires to engage in or carry on any profession, trade or business, or to keep any establishment, or to do any act, for engaging in, carrying on keeping or doing

which a license is required by the ordinances of the city, shall make application to the City Collector for license within the time prescribed by law, and shall make oath before such Collector when the same is required by any law of the city, and shall pay to the City Collector the amount required by law for such license.

SEC. 186. *Receipt. and form of.*—Upon such payment being made, the Collector shall give his receipt to the applicant for the amount paid for such license, which may be in the following form:—

No . City Collector's Office.
 _____, 18

To the Secretary of the Board of Mayor and Aldermen of the City of Tuscaloosa:—

Sir:—has paid to the City Collector—dollars for license (here state the nature of the business or occupation, and the length of time for which the license is required and the place where such business is to be carried on), you will therefore issue a license accordingly.

_____ City Collector.

SEC. 187. *Who must issue license.*—Upon presentation and surrender of the receipt to the City Secretary, he must issue the license which shall set forth the name of the person, firm, company, or corporation, the business or profession to be carried on, or establishment to be kept, or act to be done, and the time for which license is to continue: and the Secretary shall be entitled to a fee of one dollar for issuing such license, to be paid by the person applying for the same.

SEC. 188. *When oath made before collector.*—In all cases where the amount to be paid for a license depend upon the amount of capital invested, or sales made, or business done, or value of goods or stock, it shall be the duty of the person applying for such license to render to the Collector a sworn statement of the amount of such capital, or sales, or business, or the value of such goods or stock, which oath may be made before the Collector.

SEC. 189. *No license transferable.*—No license shall be transferable, except upon application to the Board of Mayor and Aldermen: nor shall it entitle the holder thereof to carry on any business or profession, or to do any other act than that therein specified. The several members of a partnership shall be treated as but one person in obtaining a license, if the same is obtained in the name of the firm.

SEC. 190. *Limited to use of party license.*—No person licensed as provided by the ordinances of this city to do any business, or carry on any trade or establishment, or to do any act in this city, shall at any time allow any other to use his license for the purpose of carrying on any business, trade or establishment, or of doing any act whatever; but such license shall be restricted exclusively to the use and benefit of the party or parties named therein, and his or their employees or clerks, doing business for him or them. For any violation of the provisions of this section, the Mayor shall cause the license of the party so offending to be forfeited and annulled.

SEC. 191. *Expiration of licenses, etc.*—Except where otherwise provided herein, all licenses shall expire on the 31st day of December of each year, and all licenses are to be taken out on or before the 1st day of January, for the whole year; but when a license is not taken out until or after the first day of July in any year, only half the annual license fee shall be required of such person for that year. All licenses issued for one month shall expire on the thirty-first day of such month. All licenses issued for one week shall expire on the Saturday night succeeding their date, at twelve o'clock. All licenses issued for one day shall expire at twelve o'clock on the night of their issuance.

SEC. 192. *Who must take out license, and amount therefor.*—All persons engaged in any trade, business, or profession, or keeping or carrying on any establishment, or other thing, or doing any act in this section specified, shall pay for license therefor as follows:—

1. For retailing spirituous, vinous, and malt liquors, - - - \$ 300 00
2. For retailing spirituous, vinous, and malt liquors at drug store, 200 00
3. For retailing malt liquors only, - - - - - 100 00
4. For wholesale dealers in spirituous, vinous, and malt liquors, 100 00

No person shall deal in, or expose for sale any spirituous, vinous, or malt liquors, in this City, without first obtaining a license therefor. Such license shall be granted only with the consent of the Board of Mayor and Aldermen, after first obtaining license from the State, and upon the payment of all lawful charges.

Any person who shall sell or dispose of spirituous, vinous, or malt liquors, in any quantity less than one quart shall be deemed a retailer. Any person who shall sell, or dispose of such liquors, in any quantity of or greater than one quart, shall be deemed a wholesale dealer, and if such liquors are drunk on or about his premises, said dealer shall be liable to the penalty of retailing without license.

5. For dealer in pistols, bowie-knives, and shot guns, or fire arms and knives of like kind and description, - - - \$ 50 00
6. For each bagatelle or jenny lind table, - - - - - 50 00
7. For each pistol or shooting gallery, or baby range, or any game of amusement of like kind or description, per year, 25 00
per month, - - - - - 5 00
8. For each bowling alley, tenpin alley, or alley of like kind or description, per year, - - - - - 25 00
per month, - - - - - 5 00
9. For every person or firm dealing in selling cotton, or other futures, an annual license of, - - - - - 10 00
10. For every person or firm engaged in the business of cotton buyer or broker, an annual license of - - - - - 10 00
11. For each teacher of dancing, - - - - - 5 00
12. For each auctioneer, - - - - - 25 00
13. For skating rink or person who hires out or rents skates 12 00
14. For each dealer or firm dealing in wood and coal or either of them, - - - - - 10 00
15. For each person or firm dealing in fertilizers or guanos or phosphates of any kind, - - - - - 10 00
16. For every photograph or daguerrean artist, - - - - - 10 00

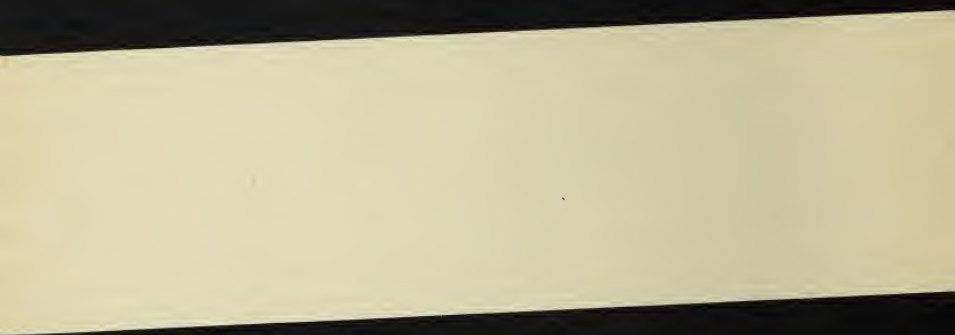
17. For each person or firm managing, running, or owning a flying jenny, or any show of like kind or description, for amusement, for which money or any thing of value is charged and not herein otherwise provided for, an annual license of	12 00
18. For each warehouse kept for storing cotton, or other articles or goods,	10 00
19. For each barber shop,	10 00
20. For every theatre or public hall, kept for public use, for which charge is made,	10 00
21. For each circus or menagerie, per day,	25 00
22. For each side show, accompanying a circus or menagerie, per day,	5 00
23. For each public concert or legerdemain performance for which an admission fee is charged, unless it be for a charitable purpose, for each performance or concert,	3 00
24. For any show or exhibition, ball or entertainment, for which an admission fee is charged, unless it be for a charitable purpose, for each show, or entertainment,	3 00
25. For every sewing machine company,	25 00
26. For every hotel or inn,	10 00
27. For every restaurant, eating house, or ice cream saloon,	10 00
28. For every telephone company or person managing the same,	25 00
29. For every telegraph company, or person operating the same,	25 00
30. For every express company, or person acting as agent for the same,	25 00
31. For every insurance company or agent acting for the same, for each company he represents,	5 00
32. For every merchandise broker, or commission merchant,	25 00
33. For each game of quoits, marbles, or other game of chance any kind or description, for amusement, from which profit or revenue is derived, per month,	5 00
per annum,	12 00
34. For all peddlers and transient dealers in goods, wares, or merchandise, paints, soaps, or patent medicines, candy or other goods, or commodity of value, per day,	1 00
per week,	5 00
All persons are deemed transient dealers who do not remain and do business in said city twelve months.	
35. For lightning rod agents, each person or firm, per day,	2 00
per annum,	25 00

36. For dealers in clocks, or stoves, or agent for clock or stove company, as transient dealers, per day,	-	-	-	-	1 00
per week,	-	-	-	-	5 00
per year,	-	-	-	-	25 00
37. For dealers in playing cards, annually,	-	-	-	-	5 00
38. For pawnbroker, or pawnbroker agents, per annum,	-	-	-	-	25 00
39. For livery or sale stable, per annum,	-	-	-	-	50 00
40. For any person or firm not keeping a livery stable, but running over the streets of Tuscaloosa, and receiving pay for carrying passengers or freight, any vehicle, carriage, buggy, wagon, stagecoach, or vehicle of like kind, shall pay license as follows:—For each carriage, omnibus, wagon, barouche, rockaway, or other passenger vehicle drawn by two horses.	-	-	-	-	10 00
drawn by one horse,	-	-	-	-	5 00
buggy,	-	-	-	-	10 00
cart, dray, or wagon, two horses,	-	-	-	-	10 00
“ “ “ one horse,	-	-	-	-	5 00

No person shall charge for each passenger carried, more than twenty-five cents, for a seat in any vehicle, to any part of the city, in the day time, and fifty cents in the night time.

The hire of a carriage or buggy, or other vehicle, shall not exceed one dollar per hour for the first hour in the day time, and seventy-five cents for each subsequent hour, nor more than one dollar and fifty cents in the night time.

41. For each billiard table, per annum, - - \$ 50 00



CHAPTER XVII.

QUARANTINE AND SANITARY ORDINANCES.

SECTION.

- 193. Inspector of lots, cellars, outhouses, etc.
- 194. Nuisances on premises.
- 195. Quarantine established.
- 196. Penalty for violating quarantine.
- 197. Isolation of cases.
- 198. Trains and approaches guarded.
- 199. Power to exclude persons or goods.
- 200. Board may authorize slaughter houses.
- 201. Proceedings to declare slaughter house nuisance.
- 202. Discontinuance of slaughter house, and determination of nuisance.

SEC. 193. *Inspector of lots, cellars, outhouses, etc.*—It shall be the duty of the Mayor and Aldermen, to appoint at their regular meeting in May, of each year, an inspector of lots, privies, cellars, and cisterns, whose duty it shall be once a month, for six months, to inspect the lots, cellars cisterns, and privies within the corporate limits, and if any are found in an unwholesome condition, to at once notify the owner and Marshal of the City. The compensation of said inspector shall be fixed by the Board.

194. *Nuisances on premises.*—The owner or occupant of each and every house, cellar, stable, lot, or other part of premises within the corporation, shall keep his premises clean and free from filth, and all matter that would prove offensive or be calculated to create disease. Whenever the existence of any such nuisance shall come to the knowledge of the Marshal he shall notify the owner or occupant of the premises to remove the same immediately; and in case he does not do so, the Marshal shall report the same to the Mayor, and the Mayor shall then, or whenever complaint is made to him to the same effect by any citizen, order the Marshal to have the said nuisance removed immediately, and the expense of removing the same shall be recovered upon behalf of the city, from the owner or occupant of the premises upon which it may be, and shall be assessed additional to the fine for a violation of the provisions of this section, which said fine shall not be less than ten dollars.

SEC. 195. *Quarantine established.*—It is hereby declared

that the City of Tuscaloosa within its corporate limits, and within one mile thereof, shall be and is quarantined against all persons coming into the same, from any city, or other place where yellow fever is known to be existing as an epidemic. And against all baggage, wares, and merchandise shipped from such point to this place.

SEC. 196. *Penalty for violating quarantine.*—It shall be the duty of the City Marshal and Policemen to arrest all persons who may enter the city from any place mentioned in this ordinance, and from any place known to be infected with the disease, and unless they instantly depart, the Mayor shall impose a fine on them of not less than one hundred dollars, and cause them to be conveyed at least one mile from the city, with orders not to return.

SEC. 197. *Isolation of cases.*—If any case of yellow fever should occur in the City of Tuscaloosa, full power is hereby given to the Mayor, on consulting with a physician of the city, or a board of physicians, to have all such orders, rules, regulations, and directions carried out as shall best protect the city from the spread of the disease; and for this purpose he may appoint policemen, not exceeding six, close streets temporarily, compel persons to remain away from the infected district, and direct the streets through which people and vehicles shall travel. Any violation of any rule or regulation, order or direction given under this ordinance by the Mayor, and communicated by the Marshal or policemen, or otherwise to the person so violating the same, is a misdemeanor, and such person shall on conviction thereof, be fined not less than ten nor more than one hundred dollars.

SEC. 198. *Trains and approaches guarded.*—It shall be the duty of the Marshal and Policemen, under the direction of the Mayor, to keep a guard over all the approaches to the city from any passing train, and they are empowered to examine all persons verbally, as to whence they have come, and also to examine as to any baggage or goods, wares or merchandise, and from what point it shall have been brought. Any person failing or refusing to answer all questions asked is guilty of a mis-

demeanor, and on conviction thereof, shall be fined not less than ten nor more than one hundred dollars.

SEC. 199. *Power to exclude persons or goods.*—Upon the examination by the Marshal and policemen as aforesaid, if he shall be satisfied that the person or goods come from an infected district, they must be excluded from the city. Appeal may be had to the Mayor whose decision shall be final. Any violation of the orders given to the person so excluded is a misdemeanor, and on conviction thereof the person so violating said ordinance shall be fined not less than ten nor more than one hundred dollars.

SLAUGHTER HOUSES.

SEC. 200. *Board may authorize slaughter houses.*—The Board of Mayor and Aldermen may authorize, by unanimous vote, the keeping or establishing a slaughter house within the corporate limits, subject to such restrictions as they may deem necessary for the protection of the health and comfort of the citizens of said city, or any portion of them.

SEC. 201. *Proceedings to declare slaughter house a nuisance.*—Whenever any slaughter house, established or kept within said corporation shall have become a nuisance, or prejudicial to the health or comfort of the citizens thereof, or any portion of them, it shall be the duty of the Mayor and Aldermen, upon proper complaint being made to them, to cause an inspection to be speedily made of the premises and slaughter house, by a committee appointed by said body, who shall take with them some physician of high standing in said city, whose opinion shall be taken and certified by the chairman of said committee, to the said Board.

SEC. 202. *Discontinuance of slaughter house, and determination of nuisance.*—Upon the filing of said complaint it shall be the duty of the Mayor to cause the use of said slaughter house or place to be discontinued until such time as said complaint shall be heard and determined by the Board; and upon the report being made by said committee it shall be the duty of the said Board to hear and determine said complaint, and unless two-thirds of said Board shall vote adversely to said complaint, the said slaughter house shall be abated and discontinued as a nuisance

CHAPTER XVIII. THE CITY SCHOOLS.

SECTION.

- 203. Extent of School District.
- 204. School Fund.
- 205. Election of Board of Education.
- 206. Oath, and extent of power.
- 207. Powers of Board of Education.
- 208. Additional powers.
- 209. Additional powers.
- 210. Eligibility of students.
- 211. School moneys kept separate.
- 212. How school moneys paid out.
- 213. Disposition of collected fines.

SEC. 203. *Extent of School District.*—The school district of the City of Tuscaloosa shall extend to and comprise the corporate limits of said city, and all that portion of Tuscaloosa County, south of the Warrior River, and within one mile of said corporate limits:

SEC. 204. *School Fund.*—The following funds shall be devoted to the school purposes of said district, and shall be paid into the Treasury of said City, where they shall be kept and accounted for separate and distinct from all other funds belonging to said city; the *pro rata* share of the 16th section fund of each township that lies partly within the said district; all the taxes collected as poll taxes within said school district, and the Board of Mayor and Aldermen of said city may levy a tax, not to exceed one fourth of one per cent. on the taxable property of said City.

SEC. 205. *Election of Board of Education.*—The Board of Mayor and Aldermen of the City shall hold an election at their regular meeting during the month of July, 1885, for four members of the Board of Education of said city, who shall be elected as the other elective officers of this city: the two first elected shall hold their said offices for the term of one year, and the two last elected shall hold their said offices for the term

of two years, and at each regular meeting during the month of July of each year, two suitable persons shall be elected to succeed those whose offices have expired, so that two of such persons shall hold their said offices until their successors are elected and qualified.

SEC. 206. *Oath and extent of power.*—The said Board of Education shall, before entering on the discharge of the duties pertaining to their said offices, each for himself, subscribe an oath to faithfully discharge all the duties enjoined upon him by law as such officer, and shall have charge and control of the public schools of said city.

SEC. 207. *Powers of the Board of Education.*—The said Board of Education shall have power, with the approval of said Board of Mayor and Aldermen, to build upon the property of the city suitable houses for the use and accommodation of the public schools of said school district, to rent such houses as may be deemed necessary; to furnish the same with appropriate furniture and apparatus, and to keep said houses in proper repair; but no contract shall be entered into, and no disbursement of any monies or funds made, except by the consent and under the direction and control of the said Board of Mayor and Aldermen.

SEC. 208. *Additional powers.*—The said Board of Education shall have power to open a sufficient number of schools to meet the wants of the said school district, to elect such officers as are in their opinion necessary to the good government of said schools, to elect all teachers, fix their compensation and prescribe their duties, control the distribution of teachers and pupils among the several schools, dictate the course of instruction, the number and character of text-books, the organization of classes, the method of teaching, to provide separate schools for white and colored children, in proportion to the amount of taxes paid by each race, to charge in the several grades in said schools such incidental and other fees as they may deem necessary for the proper conduct of said schools, and to issue diplomas to all persons who satisfactorily complete the course of study prescribed for the public schools of said school district, to create a board for the examination of applicants for positions as teachers in the public schools of said school district, and to institute annual

competitive examinations for all applicants for license to teach in the public schools of said district.

SEC. 209. *Additional powers.*—The said Board shall also have power to require any officer or teacher of said schools, before entering upon the duties of his office, to take the oath of office prescribed by law for officers of this State, to give bond in such sum as may be fixed by said Board of Education, and to remove for cause, to be determined by them, any of such officers or teachers. Said bond shall be approved by the president of said Board of Education, and filed with the other official bonds of the city, and a certified copy of the bond of the officer selected to receive the funds of said district, shall be filed in the office of the Superintendent of Education of the State of Alabama.

SEC. 210. *Eligibility of student.*—The children and wards of all actual residents within the limits of the said school district, who reside therein *bona fide*, from seven to nineteen years of age, shall be entitled to seats as pupils in the said schools, and non-resident children or wards may be admitted into such schools on such terms and conditions as may be prescribed by the Board.

SEC. 211. *School moneys kept separate.*—The Treasurer of the City of Tuscaloosa shall receive all moneys belonging to the fund of the public schools of the city, and shall keep said fund separate from other monies of the city, and shall make a separate report of the receipts and disbursements of said fund at each regular meeting of The Board of Mayor and Aldermen.

SEC. 212. *How school moneys paid out.*—The Treasurer shall pay out the moneys of said school fund only upon the check of the President of the Board of Education, countersigned by the Secretary of said Board of Education.

SEC. 213. *Disposition of collected fines.*—All fines collected by the city for violations of the city ordinances, not exceeding the amount annually appropriated, shall be paid into the school fund of said city, and be disbursed only to meet its wants and requirements.

CHAPTER XIX.

THE STREETS AND SIDE WALKS.

SECTION.

- 214. Certain side-walks to be paved.
- 215. Marshal reports defective side-walks.
- 216. Mayor issues notice to pave.
- 217. When side-walk paved by Marshal.
- 218. Expense of paving furnished to Tax Assessor and collected.
- 219. Fees for services.

SEC. 214. *Certain side-walks to be paved.*—It is hereby made the duty of the owner, or agent in charge, of all real estate fronting upon Broad Street, between Madison and Washington Streets, and upon Market Street, between Cotton and Pine Streets, to keep the side-walks adjacent thereto well and evenly paved with brick or stone, and to keep said pavement in good repair. Any person who fails, refuses, or neglects to comply with the provisions of this section after being notified as herein-after required, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars.

SEC. 215. *Marshal reports defective side-walks.*—It is hereby made the duty of the Marshal of this city to report in writing to The Board of Mayor and Aldermen any side-walk within said limits which is not paved or in good repair, and the name of the owner, or agent in charge, of the real estate adjoining such side-walk, if known, and if not known, then that fact, together with an estimate of the probable cost of paving or repairing the same.

SEC. 216. *Mayor issues notice to pave.*—Upon such report being made the Mayor must issue a written notice to the owner, or agent in charge, of the property adjacent to the side-walk so reported not paved, or not in repair, notifying him to pave or repair the same with brick or stone within twenty days; said

notice may be served by the Marshal of said city, and must be returned to the Mayor with the execution endorsed thereon; if the owner or agent of said property cannot be found, or if the owner thereof is unknown, notice to pave or repair may be given by posting the notice above required at the door of the City Hall for twenty (20) days, and such notice shall be deemed in all respects equal to personal notice.

SEC. 217. *When side-walk paved by Marshal.*—If after the notice has been given as required by the preceding section, and the side-walk adjoining such real estate be not paved or not repaired at the expiration of said twenty days, the Marshal shall proceed to pave or repair said side-walk at the expense of the owner thereof.

SEC. 218. *Expense of paving furnished to Tax Assessor and collected.*—Should the Marshal pave or repair any side-walk in accordance with the provisions of this ordinance, he shall, on completing the same, furnish the City Tax Assessor with an itemized account of the cost of such work, who shall assess the same to the owner of such property in the same manner as city taxes are assessed; and the same shall be a lien upon such property, and have the force and effect and be collected as other city taxes.

SEC. 219. *Fees for services.*—The Mayor and Marshal shall receive for the services as required in this ordinance such compensation as the Board may allow, to be taxed as costs and charged against the real estate adjacent to the side-walk so paved or repaired.

CHAPTER XX.

THE CITY MARKET AND SCALES.

SECTION.

- 220. Market stalls rented.
- 221. Market regulations.
- 221 b. Penalty for violation.
- 222. City scales established.
- 223. Renting of city scales.

SEC. 220. *Market established and market stalls rented.*—That the house and stalls and benches therein and the shed thereto attached are hereby established and declared to be the market house for the city, and the market shall be held therein as hereafter provided.

SEC. 221. *Renting of market stalls by Marshal, and regulations for the market.*—That the Marshal of the City, until otherwise directed, shall be Market Master, and as such shall have the following powers, and perform the following duties.

1. He shall on the first Monday in January every year, rent to the highest bidder all the stalls, tables, benches, and blocks in the house, for the year, and the amount bid shall be payable in advance; and if he should be unable to rent them at that time, he may thereafter rent them privately. In no case shall he rent the stalls in the house for less than one dollar per month for a year, or part of a year.

2. He shall make all needful rules and regulations, with regard to the location and arrangement of stalls, benches, and shelves for the sale of meats, fowls, fish, fruits, and vegetables, and arrange the market wagons, carts and other vehicles around the market.

3. He shall examine all meats and other commodities offered for sale and should he find any of them unsound, tainted, sour,

or otherwise unfit for food, he shall order such to be removed from the Market.

4. He shall decide all disputes between buyer and seller, touching the weight or measure of any article sold, and see that no false weights are used in the City Market.

5. He shall prevent all wagons and other vehicles, except market wagons and vehicles from standing around the Market house during market hours.

6. He shall remove any person who shall be guilty of any indecent conduct or who shall use language calculated to offend the modesty of women, or provoke a difficulty.

7. He shall prevent all disorder.

8. He shall collect and pay over to the Clerk all the rents.

9. He shall require all renters, and other persons using stalls, benches, or shelves in Market House to scrape and cleanse them once each day.

10. He shall see that no person shall kill, clean or dress any animal, fowl, or fish, in or about the Market House, or under the shed.

11. That no person shall deposit, or leave for any length of time, any hides, or any other unclean substance or thing in the Market House or sheds, or about the Market House.

12. That no meat of any kind, or fish or fowls shall be permitted to remain in or about the Market House, after 10 o'clock in the morning from the 1st day of May until the 1st day of October, but all property of all kinds must be removed, and each person occupying a stall, bench or shelf shall be required to cleanse it.

13. That no person shall be guilty of any indecent conduct, or use any obscene, vulgar, or profane or abusive language in or about the Market House, during market hours.

SEC. 221 b. *Penalty for violation of this Chapter.*—Any person who shall violate any of the provisions of this Chapter, or who shall refuse to obey the orders of the Market Master, or policeman given in the execution of the duties herein prescribed, shall be guilty of a misdemeanor, and on conviction shall be fined

not exceeding one hundred dollars and may be imprisoned, or put to hard labor for not more than sixty days.

SEC. 222. *City Scales established and how rented.*—That the Scales now used as such, are hereby established as the Public Scales of the City of Tuscaloosa, and shall be under the charge of the City Marshal who shall rent out the same on the first of January of each year to a keeper who shall be the highest bidder for the same.

SEC. 223. *Keeper of Public Scales, duties.*—It shall be the duty of the keeper on the application of any one, to weigh on said Scales any wagon, cart, carriage, dray, or any other vehicle, loaded or unloaded, or any animal of any kind, or any article of property of any kind and give a certificate of such weight. In case of a loaded vehicle, of any kind being weighed, it shall be re-weighed after the load is removed, and the weight of the wagon deducted from the gross weight and a certificate of the net weight given.

2. He shall enter in a book each weighing and the amount thereof, and make report at the end of the year: and shall receive for each weighing such sum as shall be fixed by ordinance, to be paid by the owner of the wagon or property weighed.

CHAPTER XXI.

THE POWDER MAGAZINE.

SECTION.

- 224. Magazine established and none other allowed in city.
- 225. All powder over twenty-five pounds to be kept in it.
- 226. How powder shall be kept in the city.
- 227. City Marshal keeper of magazine: his powers and duties.
- 228. No person allowed to sell powder at night.
- 229. Penalties for violating this chapter.

SEC. 224. *Magazine established and none other allowed in city.*—The building now used as such is hereby declared to be and is established as the Powder Magazine of the City, and no person shall be allowed to erect in the city any house or building for the purpose of keeping or storing gun powder; nor shall any person manufacture or make gunpowder in the city.

SEC. 225. *All powder over twenty-five pounds to be kept in it.*—No person shall be allowed to keep gunpowder in the city in quantities greater than twenty-five pounds at one time, except in the Powder Magazine.

SEC. 226. *How powder shall be kept in the city.*—No person shall be allowed to keep any gunpowder in the city, except in a tin cannister well secured.

SEC. 227. *City Marshal keeper of Magazine: his powers and duties.*—The City Marshal shall be the keeper of the Powder Magazine, and no other person shall be allowed to take powder therefrom, and as such he shall have the following powers, and perform the following duties:

1. He shall see that the Magazine is safely kept.
2. He shall keep the key, and in no case deliver it to any but a discreet person.
3. As such keeper, he shall not be allowed to receive any powder unless it is safely enclosed in tin or wood, and the owner's name marked thereon.

4. When any powder thus secured and marked is presented to him at the Magazine, he shall receive and deposit it in the Magazine for safe keeping, and give the owner a certificate thereof.

5. He shall enter in a book all the powder so received by him, stating the number of kegs or packages and the name of the owner, when deposited, and when taken away.

6. He shall not open or permit any one to open the Magazine after sundown, or before sunrise.

7. On the presentation of any certificate, he shall deliver the powder, or such part as is desired, therein described.

SEC. 228. *No person allowed to sell powder at night.*—No person shall sell any gunpowder in the city after sunset, and before sunrise the next morning.

SEC. 229. *Penalties for violating this chapter.*—Any person who shall violate any of the provisions of this chapter shall be fined not less than twenty dollars, and may be imprisoned, or put to hard labor for the city for not exceeding thirty days.

CHAPTER XXII.

THE FIRE DEPARTMENT.

SECTION.

230. Fire department established.

231. Shall have charge of fire engine and hose.

232. That said company shall adopt its own by-laws.

233. On alarm of fire to go at once.

234. To prevent spread of fire, house may be pulled down.

SEC. 230. *Fire department established.*—That a fire department is hereby established consisting of one company of men to be called "The Tuscaloosa Fire Company Number One," to consist of not less than twenty-five nor more than fifty men. And shall have the following officers: A Foreman, First Assis-

tant Foreman and Second Assistant Foreman. Two Fire Wardens, a Secretary, and Treasurer, who shall all be elected by the Fire Company.

SEC. 231. *Fire Company have charge of the Engine and Hose.*—When organized, the Fire Company shall have in charge the Fire Engine, and all the hose, of said Company, and all hooks and ladders.

SEC. 232. *That said Company shall adopt its own by-laws.*—That said Fire Company may adopt its own by-laws and regulations for their government; *Provided*, it shall be the duty of said Company to practice once a month.

SEC. 233. *On alarm of fire to go at once.*—That upon an alarm of fire, it shall be the duty of the officers and men of said Company to go with all possible speed to the fire and carry with them the Fire Engine, all the hose, hooks and ladders, and when there to work faithfully to put out the fire, and to stop the further spread of it.

SEC. 234. *To prevent spread of fire, houses may be pulled down.*—That to prevent the spread of any fire, the Foreman of the Fire Company, the City Engineer, the Mayor and Aldermen, or so many of them as may be present at any fire may order any building, or fence to be pulled down, *Provided*, that a majority of those named who are present, shall concur in the propriety of pulling down such building or fence.

CHAPTER XXIII.

SALARIES AND FEES OF OFFICERS.

SECTION.

- 235. Salary of Mayor.
- 236. Fee of Mayor on trial of offender.
- 237. Fees and fines of Aldermen.
- 238. Salary of City Secretary.
- 239. Fees of City Secretary.
- 240. Salary of City Marshal.
- 241. Fees of Marshal for storing powder.
- 242. Salary of Policemen.
- 243. Fees of Marshal or Policemen on trial of offender.
- 244. Other fees of Mayor and Marshal.
- 245. Salary of Tax Assessor.
- 246. Fees of Tax Assessor.
- 247. Salary of Tax Collector.
- 248. Fees of Tax Collector.
- 249. Salary and fees of City Treasurer.
- 250. Salary and fees of City Engineer.
- 251. Fees of City Sexton.
- 252. Fees of City Attorney.

SEC. 235. *Salary of Mayor.*—The Mayor shall be allowed an annual salary of four hundred dollars, and such fees as are otherwise allowed him by law.

SEC. 236. *Fee of Mayor on trial of offender.*—For every trial under any ordinance, the Mayor shall be entitled to a fee of two dollars, to be paid by the person tried, if convicted, if acquitted by the city. In the event of the insolvency of any convicted person, or failure to secure the fine and costs, the Board shall allow the Mayor said fee, on the same being presented as in other cases.

SEC. 237. *Fees and fines of Aldermen.*—Each Aldermen shall receive the sum of five dollars per month for his services for the city, and shall be fined the sum of five dollars for each

and every regular meeting of the Board from which he absents himself without a good and sufficient excuse, to be judged of by the Board.

SEC. 238. *Salary of City Secretary.*—The Secretary shall be allowed an annual salary of one hundred and twenty dollars, and such other compensation as the Board may allow.

SEC. 239. *Fees of City Secretary.*—The Secretary shall be entitled to receive a fee of one dollar for each license issued by him, which shall be paid by the person taking out the license: for making copy of any record, deed, ordinance, or other paper or document of the city, he shall receive a fee of twenty cents per hundred words, and fifty cents for his certificate thereto, to be paid by the person desiring such service, and fifty cents for recording tax deeds.

SEC. 240. *Salary of City Marshal.*—The Marshal shall be allowed an annual salary of four hundred and eighty dollars, besides such other fees as pertain to him.

SEC. 241. *Fees of Marshal for storing powder.*—For each keg of powder stored in the Magazine, the Marshal shall collect a fee of twenty-five cents, one half of which shall be allowed him for his services.

SEC. 242. *Salary of Policemen.*—The policemen shall be allowed each an annual salary of five hundred and forty dollars, besides such other fees as pertain to his office.

SEC. 243. *Fees of Marshal or Policemen on trial of offender.*—For every conviction under any ordinance in the Mayor's court, of a person arrested by the Marshal or any Policemen, the arresting officer shall be entitled to a fee of two dollars, to be collected from the person convicted; in case of the insolvency of said party convicted, the fee shall be collected from the city.

SEC. 244. *Other fees of Mayor and Marshal.*—When the fee due the Mayor or Marshal or Policeman, for any service required of them by any section of this Code, is not specifically mentioned, the Mayor shall receive the same fee in amount which is by law allowed the Clerk of the Circuit Court of Tus-

caloosa County for like service, and the Marshal or Policeman shall receive the same fee as is allowed the Sheriff in said court for like service.

SEC. 245. *Salary of Tax Assessor.*—The City Tax Assessor shall be allowed an annual salary of seventy-five dollars, besides such other fees as are allowed him by law.

SEC. 246. *Fees of Tax Assessor.*—The Assessor shall be entitled to a fee of one dollar to be assessed against and collected of each delinquent in making returns. Such fees shall be allowed upon accounts presented to and audited by the finance committee, as in other cases.

SEC. 247. *Salary of Tax Collector.*—The Tax Collector shall be entitled to four per cent on all collections made by him on account of city taxes.

SEC. 248. *Fees of Tax Collector.*—The Tax Collector shall receive a fee of fifty cents for every delinquent tax collected by him after demand thereof; one dollar for every delinquent tax collected by him after demand and advertising the same; and two dollars for every delinquent tax collected by him after demand, advertisement, sale and deed to purchaser. Such fees shall be allowed upon accounts presented to and audited by the finance committee, as in other cases.

SEC. 249. *Salary and fees of City Treasurer.*—The City Treasurer shall receive such salary and fees as may be allowed by the Board.

SEC. 250. *Salary and fees of City Engineer.*—The City Engineer shall be allowed an annual salary of five hundred dollars, and such fees as are allowed the County Surveyor of Tuscaloosa County for like services.

SEC. 251. *Fees of City Sexton.*—The City Sexton shall be allowed the following fees:—for digging and filling a grave without a vault, three dollars; for digging and filling a grave with a vault, five dollars; for burial in a vault two dollars.

SEC. 252. *Fees of City Attorney.*—For the prosecution of any offender against the laws and ordinances of this city in the Mayor's court, the City Attorney shall receive a tax fee of five dollars, only in case of conviction, which sum shall be assessed as costs against the person so convicted. He shall also receive such other reasonable compensation for his services as may be allowed by the Board.

CHAPTER XXIV.

MOTIONS AND SUMMARY JUDGMENTS AND
OTHER SUMMARY PROCEEDINGS
AGAINST OFFICERS.

SECTION.

- 253. Judgments against officers and sureties on motion : three days' notice.
- 254. If executed upon all or any one, less than three days, to be continued
- 255. If any not served, Mayor may discontinue or order an *alias*.
- 256. Judgment against Tax Collector.
- 257. Judgment against City Secretary.
- 258. Judgment against Marshal or Policemen.
- 259. Judgment against Treasurer after resignation or removal.
- 260. In case of death against administrator and sureties of officer.
- 261. Report of officer, competent evidence against him and surety.

SEC. 253. *Judgments against officers and sureties on motion: three days' notice.*—Judgments in favor of the Mayor and Aldermen of the City of Tuscaloosa may be by the Mayor rendered against any one of the following officers and their securities upon their official bonds, or any or either of them, upon notice in writing given by the Mayor, stating that a motion will be made before him on a certain day (specifying the day), and stating the cause or ground of such motion, which notice must be executed three days before the day set for trial.

SEC. 254. *If executed upon all or any one, less than three days, to be continued.*—If such notice shall be executed upon all or any one of the defendants, less than the three days required, the Mayor shall fix another day not less than three days, and continue the cause till that day, when, if no cause for a continuance be shown, he must try it.

SEC. 255. *If any not served, the Mayor may discontinue, or order an alias.*—If said notice shall be executed upon some of said defendants the three days, and not upon others at all, then the Mayor may discontinue the motion as to such as have

not been served, and proceed to trial as to those served, or he may fix another day for the trial, continue the motion to that day, and issue an alias notice as to those not served.

TAX COLLECTOR.

SEC. 256. *Judgment against tax collector.*—On such motion, judgment must be rendered in favor of the Mayor and Aldermen against the Tax Collector, and all of his sureties served with notice, for any sum or sums of money belonging to the city which said Tax Collector had received, and failed to pay over as required by the ordinances, and ten per cent thereon. That on such motion judgment must be rendered by the Mayor in favor of the Mayor and Aldermen against said Tax Collector and his securities, or either of them, for his failure to collect all the money as shown to be due to the city, after the Mayor and Aldermen shall have allowed him credits by the insolvent list, and list of errors in assessment, and ten per cent on the amount thereof.

THE CITY SECRETARY.

SEC. 257. *Judgment against city Secretary.*—On such motion judgment must be rendered by the Mayor, in favor of the Mayor and Aldermen against the Clerk and his securities, or either of them, for any sum of money belonging to the city, collected by him, and which he failed to pay over as directed by the ordinances. That on such motion judgment must be rendered by the Mayor in favor of the Mayor and Aldermen against the Clerk and his securities, or either, for any money due to the city on account of fines, forfeitures, and penalties, and licenses, or from any other source, which he could have collected by proper diligence, and which he failed to collect, and ten per cent thereon.

MARSHAL AND POLICEMEN.

SEC. 258. *Judgment against Marshal or Policemen.*—On motion judgment must be rendered by the Mayor in favor of the Mayor and Aldermen against the Marshal and his securities, or either, for any money belonging to the city which said Marshal or either of said policemen may collect and fail to pay over as directed by the ordinances, and ten per cent. thereon. That

on such motion judgment must be rendered by the Mayor in favor of the Mayor and Aldermen against said Marshal and his securities, or either of the Policemen and his securities, for any sum of money which said Marshal, or either of said Policemen, could by proper diligence have collected, and failed to do, and ten per cent thereon.

THE TREASURER.

SEC. 259. *Judgment against Treasurer after resignation or removal.*—If after the resignation or removal of the Treasurer of the city, it shall be found that there is in his hands a sum of money belonging to the city not paid away as directed by the ordinances, on such motion a judgment must be rendered by the Mayor in favor of the Mayor and Aldermen against said Treasurer and his securities, or either of them, for the amount so in the Treasurer's hands, and not paid away, and ten per cent thereon.

SEC. 260. *In case of death, against administrator and sureties of officer.*—If either of the above officers should die without having paid over to the proper officers, or to the proper party, all the money by either of them collected or received as such officer, and belonging to the city, then and in that case judgment must be rendered against the executor or administrator of such officer so dying for any sum of money which such officer received and failed to pay away as required, and ten per cent thereon.

SEC. 261. *Report of officer, competent evidence against him and surety.*—On the trial of either of said motions against either of said officers and securities, the report of the officer against whom and his securities the motion is made shall be competent evidence against said officer and all of his securities.

SEC. 261 b. *Causes of removal of officers.*—If any officer of the city shall refuse or fail to perform any duty required of him by the ordinances, or who shall in his official conduct be guilty of any fraud, extortion, oppression, or injustice, or who shall be drunk while on duty, or who shall be guilty of any indecent conduct, or shall be convicted of any felony, or who shall be found to be incompetent to discharge the duties of his office, he shall be removed from his office by the Mayor and Aldermen on the vote of two-thirds of the Board.

PART II.

PENAL CODE.

C O N T E N T S .

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- III. Offenses against the Person.
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- V. Offenses against Public Justice.
- VI. Offenses against Public Safety.
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PENAL CODE.

CHAPTER I.

MAYOR'S COURT, AND PROCEEDINGS THEREIN.

SECTION.

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291. Issue, return, and form of execution.
392. Effect of such execution, and how executed.
293. Appeals: when taken, and form of appeal bonds.
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295. Mayor may require bond to keep peace.

SEC. 262. *Mayor's Court.*—A Court for the trial of offenses against the laws of the city, shall be held at the City Hall, by the Mayor or such other person as may be appointed in his stead, on every day except Sunday.

SEC. 263. *Offenses, by whom tried, and limitation.*—Prosecutions for violations of the city ordinances shall be cognizable before the Mayor, or such other person as may be duly appointed in his stead, and must be commenced within six months after the commission of the act or offense complained of; but absence of the offender from the limits of the corporation shall be deducted from the time relied on as above to bar prosecution; and may be begun by summons or by warrant of arrest, or by arrest without warrant, in manner hereinafter prescribed.

SEC. 264. *Summons: when issued, and form of.*—When ever the Mayor is informed, or has reason to believe, that any person has been guilty of a violation of a city ordinance, he may issue a summons, commanding such person to appear before him on a day therein named, which summons may be in the following form:—

State of Alabama,	}	Mayor's Court.
City of Tuscaloosa.		

To the Marshal or any Policeman of the City of Tuscaloosa.

You are hereby commanded to summon A. B. to appear before me, at the City Hall of said City, on the day of 188 , to answer the Mayor and Aldermen of the City of Tuscaloosa on a charge of _____ in violation of the ordinance of said city in such case made and provided. And you will then and there make return of this summons.

Issued at Tuscaloosa,

_____ day of _____ 188 _____ Mayor.

SEC. 265. *Judgment nisi on failure to appear.*—If the person so summoned fail to appear, a conditional judgment may be rendered against him by the Mayor for fifty dollars, which may be made absolute for the whole or a part of said amount, as is hereinafter provided in the case of bail bond, and the proceedings may, in all material respects, be made to conform to

those provided in the case of bail bond for the appearance of persons charged with a breach of city ordinances.

SEC. 266. *Warrant of arrest: when issued, and form of.* Whenever complaint, on oath, is made before the Mayor, that an offense in violation of an ordinance of the city has been committed, and accusing any person thereof, the Mayor shall issue a warrant of arrest against such person, which may be in the following form:—

State of Alabama,	} Mayor's Office.
City of Tuscaloosa.	

To the Marshal or any Policeman of the City of Tuscaloosa.

Complaint, on oath, having been made before me, that the offense of _____ has been committed, and accusing C. D. thereof, you are hereby commanded forthwith to arrest C. D. and bring him before me to answer said charge.

Issued at Tuscaloosa,

_____ day of _____ 188_____ Mayor.

Summon as witness for the City:—

Summon as witness for the Defendant:—

SEC. 267. *Arrest Without warrant: when and by whom made.*—It is the duty of the Marshal and of every Policeman, to arrest without warrant all persons found disturbing the public peace by disorderly conduct; all persons found drunk on the public streets, or in any public place in the city; and all persons found under suspicious circumstances, who fail to give a satisfactory account of themselves. And said officers have authority to enter any house, enclosure, or other place in which they have reason to believe that any person is committing or about to commit a violation of the city laws.

SEC. 268. *Arrest on order of Mayor or Aldermen.*—When a breach of any ordinance is committed in the presence, or within the view of the Mayor or any Alderman, such Mayor or Alderman may, by verbal or written order, command the Marshal, or any Policeman, or any other person, to arrest the offender, and when arrested such offender shall be dealt with as if he had been arrested under a warrant of arrest.

SEC. 269. *Private person must assist officer.*—It is the duty of every person, when required to do so by the Marshal, or the policemen of the city, to assist in making any arrest.

SEC. 270. *Duty and authority of officer in making arrest.*—When arresting a party without warrant for a breach of the city laws, the Marshal and Policemen must inform such person of his authority, and the cause of the arrest, except when such person is arrested in the actual commission of such offense. And when the arrest is under a warrant of arrest for an offense against the city laws for a breach of the peace, or when the arrest is without warrant for such offense committed in his presence, such officer has authority to break open an outer or inner door or window of a dwelling house, if, after notice of his office and purpose, he is refused admittance.

SEC. 271. *Persons arrested brought before Mayor, unless bailed.*—Where any person is arrested, with or without warrant, for a violation of the city laws, it is the duty of the officer making the arrest forthwith to bring such person before the Mayor, to be dealt with according to law, unless such person shall give bond, with two good securities, to be approved by the officer making the arrest, in such sum, not less than twenty nor more than five hundred dollars, as such officer shall prescribe, conditioned for his appearance before the Mayor on a day named therein, not more than ten days after the arrest, to answer the charge preferred against him. On giving such bond, such person shall be discharged from custody.

SEC. 272. *Adjournment of trial, and bail.*—When a person charged with a breach of a city ordinance is brought before the Mayor, the Mayor may adjourn the trial from time to time, as may be necessary, not exceeding ten days at one time, unless by consent;—on such continuance the defendant may be admitted to bail on his entering into bond for his appearance for trial, with two good sureties, in such sum, not exceeding five hundred dollars, as the Mayor may prescribe, and on failing to give such bond, the defendant must be committed to the custody of the Marshal, who must bring him before the Mayor on the day to which the trial was continued.

SEC. 273. *Bail bonds: form of.*—Bail bonds taken by the Mayor or by a city officer, for the appearance of a person to answer a charge of violating a city ordinance, may be in the following form:—

State of Alabama, }
City of Tuscaloosa. } Mayor's Court.

We, A. B. and C. D. and E. F. his sureties, agree to pay to the Mayor and Aldermen of the city of Tuscaloosa, the sum of _____ dollars, unless the said A. B. appear before the Mayor of said city, on the _____ day of _____ 188 , and from day to day thereafter until discharged by law, to answer the Mayor and Aldermen of the city of Tuscaloosa of a charge of _____ and for the payment hereof we waive our exemptions as to personal property under the laws of Alabama.

A. B. (Seal.)

C. D. (Seal.)

E. F. (Seal.)

Approved, _____ Mayor.

SEC. 274. *Effect of bail bond.*—The bail bond binds all and each of the obligors for the appearance of the defendant on the day named, and on each subsequent day to which the case may be adjourned or continued, until he is discharged by law.

SEC. 275. *Judgment nisi on default of appearance.*—If the defendant fail to appear as provided by his bail bond, the Mayor shall enter up a conditional judgment against him and his sureties, which may be in the following form:—

The Mayor and Aldermen of the city of Tuscaloosa,

v.

A. B. Defendant, and E. F. and C. D. his sureties.

In this case A. B. failing to appear and answer the charge against him for _____, a judgment is entered against him and his sureties C. D. and E. F. for _____ dollars, in favor of the Mayor and Aldermen of the city of Tuscaloosa, unless they appear before the Mayor of said city, on the _____ day of _____ 188 , and show cause to the contrary, and it is ordered that notice issue to them.

SEC. 276. *Notice of judgment nisi.*—The Mayor shall thereupon issue a notice to each defendant of the rendition of such judgment, which notice may be in the following form:—

State of Alabama, }
City of Tuscaloosa. } Mayor's Court.

To A. B. and C. D. and E. F. you are hereby notified, that on the _____ day of _____, 188 , in the Mayor's Court of said city, a judgment was rendered against you of which the following is a copy, (here set out the conditional judgment) and the said judgment will be made absolute against you on the _____ day of _____, 188 , unless you then appear in said Mayor's Court and show cause against the same.

Mayor.

SEC. 277. *Service and return of notice.*—This notice may be executed by the Marshal or any Policemen, and must be returned by the officer executing it, with his proper return thereon, on or before the day appointed for the parties to show cause.

SEC. 278. *Alias notice.*—If the notice is not served on any of the parties, such other notices as are necessary may from time to time be issued, or the court may proceed against the parties on whom notice has been served.

SEC. 279. *Judgment set aside, reduced, or made absolute.*—If the defendants appear and show sufficient cause for the default, the conditional judgment must be set aside without costs,—but if they fail to appear, or appearing fail to show sufficient excuse for the default, the judgment must be made absolute for the entire penalty of the bond, or any part thereof, according to circumstances, as the Mayor may deem proper.

SEC. 280. *Form of judgment final.*—The judgment final may be in the following form:—

To Mayor and Aldermen of the City of Tuscaloosa.

v.

A. B. Defendant, and C. D. and E. F. his sureties.

In this case the said (here name notified obligors,) being notified, and offering no sufficient excuse for the default of the said A. B. the conditional judgment heretofore rendered against

them is made final against the said (as above) in favor of the Mayor and Aldermen of the city of Tuscaloosa, for the sum of _____ dollars.

SEC. 281. *Subpoenas, issuance, execution, form, and effect.*—Subpoenas for witnesses for the city, or the defendant, may be issued by the Mayor, and it is the duty of the Marshal or any Policemen, to whom they are delivered to execute and return them to the Mayor. A subpoena may be in the following form:—

State of Alabama, }
City of Tuscaloosa. }

To the Marshal or any Policeman of said City.

Summon C. D. witness for the city (or E. F. witness for the defendant) to appear before the Mayor, in said city, at _____ o'clock, on the _____ day of _____ 188____, and from day to day thereafter until discharged in due course of law, to give evidence and the truth to speak in behalf of _____ in a case now pending before said Mayor, in which the Mayor and Aldermen of the city of Tuscaloosa, is plaintiff, and _____ defendant, and have you then and there this writ with your endorsement thereon.

Issued the _____ day of _____ 188____

Mayor.

Or subpoenas may be briefly endorsed on the warrant or summons in the form prescribed in this section. Witnesses summoned by subpoenas are bound to attend from day to day until the case is disposed of.

SEC. 282. *Judgment nisi on default, notice, and judgment final.*—If witnesses, after being summoned, fail to appear and testify, a conditional judgment may be rendered against them;—and in such cases the proceedings may, in all material respects, as to notice, final judgment, and other matters, be made to conform to those provided in the case of forfeited bail bonds. The penalty for the non-attendance of a witness is fifty dollars, and judgment *nisi* must be entered for that amount, to be made absolute for the whole or any part thereof, as the Mayor shall determine.

SEC. 283. *Witness in contempt.*—Any person summoned as a witness before the Mayor, or the Board, who shall refuse to answer all proper questions, shall be committed to the city prison, or the county jail until he is willing to testify.

SEC. 284. *Mayor judge of law and fact; technical objections not allowed.*—In trials before the Mayor for violations of the city ordinances, the Mayor shall determine both the law and the facts, and justice shall be speedily administered by him. No statement of the offense need be made other than that contained in the summons, or affidavit and warrant of arrest, and if the defendant has been arrested without warrant, the entry on the Mayor's docket of the offense charged, shall be treated as such statement. It shall be a sufficient statement of the offense for the affidavit, warrant, or entry on the Mayor's docket, to designate the offense or act by name, or by some other phrase which in common parlance designates it. It shall be no objection to the proceedings that they are imperfect or inaccurate, and all amendable errors shall be regarded as amended, so as to present only the substantial inquiry of the guilt or innocence of the accused.

SEC. 285. *On conviction, Mayor imposes penalty; when not prescribed, Mayor determines.*—When any person is convicted of a breach of a city ordinance, the Mayor shall impose such fine, or other penalty, or punishment as may be prescribed by law, and where the penalty is not prescribed, or where the amount of the fine, or term of the imprisonment, or work, is not fixed by law, the same shall be determined by the Mayor in his discretion; but no fine shall exceed one hundred dollars, nor shall any imprisonment, or work on the streets, or other work of or for the city, exceed sixty days, unless the said convicted person shall be hired out to pay such fine and costs imposed upon him.

SEC. 286. *Proceedings in case of default in paying fines.*—Whenever default is made in the payment, or securing the payment, of any fine or forfeiture assessed against any person, and judgment rendered by any authority of the city of Tuscaloosa, or by notice of any by-law or ordinance of said city, the Mayor

or other officer presiding, shall have the right and power to require the party thus being in default, to labor on the public streets, or such other works of said city as he may be directed, for a time not exceeding sixty days, as provided in the ordinance violated, and at the discretion of the Mayor, or officer presiding at such trial: or the party may be hired for such length of time and at such rate as will pay said fine and costs, or the party may be committed to the guard-house or county jail of the county for a period not exceeding sixty days. The judgment in such case may be in the following form:—

The Mayor and Aldermen of the City of Tuscaloosa.

v.

A. B.

Proceedings for..... On hearing the evidence the defendant is found guilty and fined..... dollars, and required to pay the costs of the case, and failing to pay or secure such fine and costs is committed to labor on the public streets (or other works of said city, as may be determined; or is hired for such length of time and at such rate, as will pay said fine and costs, or is committed to the guard-house or county jail, as the case may be), for..... days, unless such fine and costs are sooner paid.

SEC. 287. *Form of commitment in such cases.*—In the cases provided for in the preceding sections, the form of commitment may be as follows:—

State of Alabama.	} Mayor's Court.
City of Tuscaloosa.	

To the Marshal of the City of Tuscaloosa (or the Sheriff of Tuscaloosa County):

You are hereby commanded to take the body of A. B. and him safely keep at hard labor on the public streets, (or such other work of said city, as may be determined, or hire him for such length of time and at such rate as will pay said fine and costs, or, commit to the guard-house or county jail, as the case may be), for the term of..... days, unless the following fine and costs are paid:—

Fine	-	-	-	-	-	-	-	\$	—
Costs	-	-	-	-	-	-	-	-	—
Expenses of keeping	-	-	-	-	-	-	-	-	—

Issued this day of 188

..... Mayor.

SEC. 288. *When convicts hired out, bond required.*—In hiring out a convicted person, the contract shall be by bond in a penalty of double the amount agreed on for hire, payable to the Mayor and Aldermen of the City of Tuscaloosa, with waiver of exemptions, and with good security; and conditioned to pay the amount of hire agreed on, and to furnish the convict with a sufficiency of good and wholesome food, and with medicines, and medical attention when necessary.

SEC. 289. *Amount allowed defendant and board.*—Persons so committed to work shall be allowed not less than twenty-five cents nor more than one dollar per day for each days' labor actually performed, which shall be credited on the amount due from them, and they shall be charged for board according to the amount of the expenses for keeping them. They shall be lodged in the city guard-house or county jail at night and on Sunday, and when not engaged in work.

SEC. 290. *Convicts committed to jail; duty of Sheriff.*—Whenever any person is arrested or convicted, and committed to the county jail for the violation of any city ordinance, it is the duty of the Sheriff of Tuscaloosa County to receive such person, upon the written order of the Mayor, or officer presiding at such trial;—provided, that arrangements be first made with the Sheriff for the payment of his fees for receiving and feeding the person so committed.

SEC. 291. *Issue, return, and form of execution.*—Executions from the Mayor's court shall be issued by the Mayor, directed to, and executed by the Marshal,—shall be made returnable on a day therein named, not more than sixty days from the issuance thereof, and may be in substantially the following form:—

State of Alabama, }
City of Tuscaloosa. } Mayor's Court.

To the Marshal of the City of Tuscaloosa:

You are hereby commanded that of the goods and chattels, lands and tenements of A. B. you cause to be made the sum of _____ dollars, damages or fine, and _____ dollars, costs, which the Mayor and Aldermen of the City of Tuscaloosa recovered of him in the Mayor's Court of said City on the _____ day of _____ 188 , and have the same to render to the said Mayor and Aldermen of the City of Tuscaloosa, and make return of this writ, and the execution thereof to the Mayor of said City on the _____ day of _____ 188

Witness my hand this the _____ day _____ 188

Mayor.

SEC. 292. *Effect of such execution, and how executed.*—Such execution shall have the force and effect of executions from any of the Circuit Courts of this State, and shall be executed by the Marshal in the same manner as executions from such Circuit Court are by law required to be executed.

SEC. 293. *Appeals; when taken, and form of appeal bond.*—Appeals may be taken to the Circuit Court of the County of Tuscaloosa from any judgment or decision of the Mayor as such. But no appeal shall be allowed unless the party desiring to take the same shall, within five days from the date of such judgment or decision, give an appeal bond, with two sufficient sureties, to be approved by the Mayor, in twice the amount of the judgment or fine, or in such sum as the Mayor may deem sufficient to cover the judgment and costs of such Circuit Court;—or when the penalty imposed is imprisonment, or work on the streets, or other work of or for the City, in such amount as the Mayor shall prescribe. Said bond may be substantially in the following form:—

The State of Alabama, }
City of Tuscaloosa. } Mayor's Court.

We, A. B. and C. D. and E. F. his sureties, acknowledge ourselves to be indebted to the Mayor and Aldermen of the City of Tuscaloosa, in the sum of _____ dollars, to be void if the said

A. B. shall prosecute to effect an appeal taken by him to the Circuit Court for the County of Tuscaloosa, in said State, from a judgment rendered by the Mayor of said City, on the.....day of.....188 , in favor of the said Mayor and Aldermen, and against said A. B. for.....dollars, besides all the costs of the proceedings, and failing therein, shall satisfy such judgment as said Circuit Court may render in the premises.

Given under our hands and seals this.....day of.....188

A. B. (Seal.)

C. D. (Seal.)

E. F. (Seal.)

Approved,.....Mayor.

SEC. 294. *Papers returned to Circuit Court.*—When an appeal is taken in any case, the Mayor shall transfer to the Clerk of the Circuit Court the original papers in said appeal cases, and a copy of all the proceedings had in his said Court, with a certificate that the same are true and correct. He must also notify the City Attorney of such appeal, and furnish him with a list of the witnesses for the City summoned before the Mayor, and such facts and assistance as the city may be able to render.

SEC. 295. *Mayor may require bond to keep peace.*—When any person is convicted of the violation of a city ordinance, or when there is reason to apprehend that any person intends or is about to commit a breach of the peace, or of any ordinance, the Mayor may require such person to give bond, with good security, in such amount as he may deem reasonable, payable to the Mayor and Aldermen of the City of Tuscaloosa, conditioned that such person shall keep the peace and be of good behavior for a period not exceeding twelve months;—and will not violate such ordinance of the City of Tuscaloosa. And if such person fail or refuse to give such bond, he shall be committed to the guard-house or the county jail for not exceeding sixty days, unless such bond be given before the expiration of that time. When such person is a minor, the parent, guardian, or employer of the minor may give, or cause the bond to be given. And from an order or judgment of the Mayor requiring such bond an appeal lies as in other cases.

CHAPTER II.

OFFENSES AGAINST PROPERTY, PUBLIC
AND PRIVATE.

SECTION.

296. Value of Property stolen.
297. Larceny.
298. Burglary.
299. Injury to property.
300. Breaking with intent to steal, etc.
301. Implements of burglary.
302. Receiving stolen property.
303. False pretenses.
304. Falsely personating another.
305. Receiving embezzled property.
306. Selling mortgaged property.
307. Embezzlement by agent, etc.
308. Embezzlement by officer.
309. Exhibiting false sample.
310. Taking cotton from bale.
311. False mark or brand.
312. Malicious injury to animals.
313. Injuring public buildings, etc.
314. Injury to fences and property.
315. Injuring lamps, etc.
316. Injuring telegraph and telephone poles.
317. Injuring trees, etc.
318. Hitching horses.
319. Forgery.
320. Embezzlement by officer of city.
321. Trespass after warning.
322. Embezzlement by common carrier.
323. Cruelty to animals.
324. Removing sign-boards and gates.
325. Defacing tombstones, etc.
326. Injuring trees or committing other trespass in cemetery.

SEC. 296. *Value of property stolen.*—When a conviction is had under any section of this Code for an injury to property,

said injury being occasioned by larceny, burglary, embezzlement, false pretenses, unlawful injury, or in any other manner denounced by this Code, in addition to the fine or imprisonment specified for such offense, the convicted party shall be fined the value of the property stolen, embezzled, or otherwise obtained or injured, if not restored, or the damage thereto, if injured and restored, which shall be paid to the owner thereof, when collected.

SEC. 297. *Larceny*.—Any person committing a larceny within the corporate limits of said city shall, on conviction, be fined not exceeding one hundred dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding sixty days.

SEC. 298. *Burglary*.—Any person committing a burglary within the corporate limits of said city shall, on conviction, be fined not exceeding one hundred dollars, and may be imprisoned or sentenced to hard labor for the city for not exceeding thirty days.

SEC. 299. *Injury to property*.—Any person who maliciously, mischievously, wilfully, or unlawfully injures or destroys any property, real, personal, or mixed, of another, within the corporate limits, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined ten dollars, and may be imprisoned or sentenced to hard labor for the city for not exceeding thirty days.

SEC. 300. *Breaking with intent to steal, etc.*—Any person who, either in the night or daytime, with intent to steal, or to commit a felony, or to disturb any person residing therein, breaks into and enters a dwelling-house, or any building within the curtilage of a dwelling-house, though not forming a part thereof, or into any shop, store, warehouse, or other building in which goods or other valuable things are kept for use, sale, or deposit, must, on conviction, be fined not less than twenty nor more than one hundred dollars, and may be imprisoned or put to hard labor for the city for not exceeding sixty days.

SEC. 301. *Implements of burglary*.—Any person who has in his possession any implement, or instrument, designed or in-

tended by him to aid in the commission of a burglary or larceny, must, on conviction, be fined not less than ten nor more than one hundred dollars, and may be imprisoned or sentenced to hard labor for the city for not exceeding thirty days.

SEC. 302. *Receiving stolen property*.—Any person who buys, conceals, receives, or aids in buying, concealing, or receiving any personal property whatever, knowing that it has been stolen, and with no intent to return it to the owner, must, on conviction, be fined not exceeding twenty-five dollars, and may be imprisoned, or sentenced to hard labor for the city, for not exceeding thirty days.

SEC. 303. *False pretenses*.—Any one who by any false pretense or token whatever, and with the intent to injure or defraud, obtains from another any money, or other personal property, must, on conviction, be fined not less than ten nor more than one hundred dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding sixty days.

SEC. 304. *Falsely personating another*.—Any person who, by falsely personating another, and with the intent to injure or defraud, obtains or receives any property intended to be delivered to another, must, on conviction, be fined not less than ten nor more than one hundred dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding thirty days.

SEC. 305. *Receiving embezzled property*.—Any person who buys or receives property, knowing that it has been embezzled or fraudulently converted, or secreted, with intent to prevent the recovery thereof, or to defraud the rightful owner, must, on conviction, be fined not less than ten nor more than one hundred dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding sixty days.

SEC. 306. *Selling mortgaged property*.—Any person who sells, destroys, injures, or conceals any personal property, upon which said property there is a valid lien or mortgage given to secure the payment of a debt or obligation, without first obtaining the consent of the person who is beneficiary or owner of such lien or mortgage, must, on conviction, be fined not less than ten

nor more than one hundred dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding sixty days.

SEC. 307. *Embezzlement by agent, etc.*—Any private banker, commission merchant, auctioneer, factor, broker, attorney, or other agent or person who sells or disposes of property for another, and refuses for three days after demand made, by the person entitled to the same, or his agent or attorney, to pay the amount to which such person is entitled, must, on conviction, be fined not less than ten nor more than one hundred dollars, and may be imprisoned, or sentenced to hard labor for the city, for not exceeding sixty days.

SEC. 308. *Embezzlement by officer.*—Any Mayor, Tax Collector, Secretary, Marshal, or other officer of the City of Tuscaloosa, who fraudulently secretes, embezzles, or converts to his own use any money paid into his office, or that comes into his hands under any law authorizing such payment, or by virtue of his being such officer, shall be punished as if he had stolen the same.

SEC. 309. *Exhibiting false sample.*—Any person who fraudulently exhibits any false sample of any cotton, or any other article or commodity, by means whereof any person is injured, must, on conviction, be fined not less than ten nor more than one hundred dollars, and may be imprisoned or sentenced to hard labor for the city for not exceeding sixty days.

SEC. 310. *Taking cotton from bale.*—Any person who knowingly and unlawfully takes from any bale of cotton any part thereof, without the authority of the owner, consignee, or agent, must, on conviction, be fined not exceeding twenty-five dollars, and may be imprisoned or put to hard labor for the city for not exceeding thirty days.

SEC. 311. *False mark or brand.*—Any person who, with intent to defraud, marks or brands any unmarked horse, mule, cow, hog, sheep, goat, or other domestic animal, the property of another, or alters or defaces the mark or brand of such animal, must, on conviction, be fined not exceeding fifty dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding sixty days.

SEC. 312. *Malicious injury to animals.*—Any person who unlawfully or maliciously kills, disables, disfigures, destroys, or injures any animal, or other article or commodity of value, the property of another, must, on conviction, be fined not exceeding twenty-five dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding thirty days.

SEC. 313. *Injuring public buildings, etc.*—Any person who unlawfully or wilfully injures or defaces any church, school-house, or other building, belonging to the State, County, City, or a private person, or writes or draws figures, letters, or characters on the walls or other part thereof, must, on conviction, be fined not exceeding twenty-five dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding thirty days.

SEC. 314. *Injury to fences and property.*—Any person who unlawfully, wilfully, or maliciously breaks, throws down, or destroys any fence or other enclosure, the property of another, or tears up, overturns, or misplaces any wooden bridge or crossing, made for vehicles or pedestrians, in said city, must, on conviction, be fined not exceeding one hundred dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding thirty days.

SEC. 315. *Injuring lamps, etc.*—Any person who wilfully, unlawfully, or maliciously injures, defaces, destroys, or removes from its proper place any lamp-post, or lamp, or who unlawfully and wilfully puts out any lamp, within the city, shall, on conviction, be fined not exceeding twenty-five dollars, and may be imprisoned, or sentenced to hard labor for the city not exceeding thirty days.

SEC. 316. *Injuring telegraph or telephone poles.*—Any person who unlawfully or wilfully cuts, pulls down, destroys, or in any manner injures any telegraph or telephone wire, or any post or part thereof, must, on conviction, be fined not exceeding ten dollars, and may be imprisoned, or put to hard labor for the city not exceeding thirty days.

SEC. 317. *Injuring trees, etc.*—Any person who unlawfully

or maliciously cuts down, destroys, injures, or defaces any tree, or shrubbery planted or preserved for shade or ornament in any public street or square, or in any yard or grounds, the property of another, or of the city, must, on conviction, be fined not exceeding twenty-five dollars, and may be imprisoned, or sentenced to hard labor for the city, not exceeding thirty days.

SEC. 318. *Hitching horses*.—Any person who hitches or fastens stock of any kind to the shade or ornamental trees of this city, or to the boxing around them, or to the fences or enclosures of public or private property, shall, on conviction, be fined not exceeding ten dollars.

SEC. 319. *Forgery*.—Any person who, with intent to injure or defraud, utters and publishes as true any falsely altered, forged, or counterfeited bill, note, draft, check, certificate, or other evidence of debt, knowing the same to be altered, forged, or counterfeited, must, on conviction, be fined not exceeding one hundred dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding sixty days.

SEC. 320. *Embezzlement by officer of city*.—Any officer of this city, who is employed in collecting, receiving, or disbursing any part of the revenue of said city, or who collects, receives, or disburses any of the fines or forfeitures, or other money due said city, and who knowingly converts the same to his own use, or otherwise misapplies any part of the funds or money collected by him, or which may come into his hands by virtue of his employment, must, on conviction, be fined not exceeding one hundred dollars, and may be imprisoned, or put to hard labor for the city for not exceeding sixty days.

SEC. 321. *Trespass after warning*.—Any person who, without legal cause or good excuse, enters into the dwelling-house, or on the premises of another, after having been warned within six months preceding not to do so, is guilty of a misdemeanor, and on conviction, must be fined not exceeding twenty-five dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding thirty days.

SEC. 322. *Embezzlement by common carrier*.—Any common carrier, or other person, to whom any money or property

has been delivered to be carried for hire, and who embezzles, or fraudulently converts to his own use, or fraudulently secretes with intent to convert to his own use, such money, or other property, or any part thereof, must, on conviction, be fined not exceeding one hundred dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding sixty days.

SEC. 323. *Cruelty to animals*.—Any person who shall wilfully beat, abuse, or injure any horse, mule, mare, gelding, cow, sheep, ox, goat, dog, or any other dumb brute in a cruel or inhuman manner, or who shall work, or ride any horse, mule, or oxen, when sick or unfit for use by reason of its poor condition, knowing the same to be so, or who neglects to feed said animal, shall, on conviction, be fined not exceeding twenty-five dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding thirty days.

SEC. 324. *Removing sign-boards and gates*.—Any person who breaks, removes, throws down, or destroys any gate, or any step or door of a house, or shall take down, deface, or carry away any sign-board, plate, or card, which indicates the name, or occupation, or business of any person, shall be fined not exceeding ten dollars.

SEC. 325. *Defacing tombstones, etc.*—Any person who wilfully injures, defaces, or destroys any tomb, monument, grave-stone, or memorial within the enclosure of any cemetery or burying ground, shall, on conviction, be fined not more than twenty-five dollars, and may be imprisoned, or put to hard labor for the city for not exceeding thirty days.

SEC. 326. *Injuring trees, or committing other trespass in cemetery*.—Any person who breaks, cuts, disfigures, defaces, or injures any tree, shrub, or plant within the enclosure of any cemetery, or any railing or enclosure therein, or injures or defaces in any way the fence around such cemetery, or climb or sit on such fence, or commits any trespass or nuisance in such cemetery, or hitches any horse or other animal to any tree or shrub therein, or rides or drives therein faster than a walk, shall, on conviction, be fined not exceeding ten dollars.

CHAPTER III.

OFFENSES AGAINST THE PERSON.

SECTION.

- 327. Duty of the Mayor to bind over.
- 328. Assaults, and assaults and batteries.
- 329. Assault with intent to murder.
- 330. Using fire-arms while fighting in a public place.
- 331. Assault and battery with a weapon.
- 332. Affrays and riots.
- 333. Intimidation.
- 334. Disturbance, false alarm of fire, drunkenness, etc.

SEC. 327. *Duty of Mayor to bind over.*—It shall be the duty of the Mayor, when any person is convicted before him of an assault and battery with a deadly weapon, an assault with intent to murder, a grand larceny, or a burglary, and in such other cases as he deems proper, to bind the party over to the next term of the circuit court of said county, in such sum, with good security, as will insure his appearance there to answer the offense, and, in default of giving bail, to commit him to the county jail to answer said charge against him.

SEC. 328. *Assaults, and assaults and batteries.*—Any person who is guilty of an assault, or an assault and battery, must, on conviction, be fined not exceeding one hundred dollars, and may be imprisoned, or sentenced to hard labor for not exceeding thirty days.

SEC. 329. *Assault with intent to murder.*—Any person committing an assault with intent to murder within said city, must, on conviction, be fined not exceeding one hundred dollars, and may be imprisoned, or put to hard labor for the city not exceeding sixty days.

SEC. 330. *Using fire arms while fighting in a public place.* Any person who, while fighting in the streets or other public

place in the city, uses or attempts to use, except in self-defense, any kind of fire arms, must, on conviction, be fined not exceeding twenty-five dollars, and may be imprisoned, or put to hard labor for the city, not exceeding thirty days.

SEC. 331. *Assault and battery with weapon*.—Any person who is guilty of an assault, or an assault and battery with a weapon, must, on conviction, be fined not exceeding one hundred dollars, and may be imprisoned, or put to hard labor for the city, not exceeding thirty days.

SEC. 332. *Affrays and riots*.—All persons guilty of an affray, or of a riot or riots, by witnessing, encouraging, engaging in, or in any other manner whatsoever, must, on conviction, be fined not exceeding one hundred dollars, and may be imprisoned, or sentenced to hard labor for the city, not exceeding sixty days.

SEC. 333. *Intimidation*.—Any two or more persons who abuse, whip, or beat any person, upon any accusation, real or pretended, or force such person to confess himself guilty of an offense, or make any disclosures, or consent to leave the neighborhood, County, or State, must, on conviction, be each fined the sum of one hundred dollars, and may be imprisoned, or put to hard labor for the city, not exceeding sixty days.

SEC. 334. *Disturbance, false alarm of fire, drunkenness, etc*.—Any person who wilfully disturbs the peace of others by violent, offensive, boisterous, or tumultuous conduct, or carriage, or by loud or unusual noises, or by profane, obscene, or offensive language, or by language calculated to provoke a breach of the peace, or makes or causes a false alarm of fire, or who is found on the streets, or in any public place in a state of drunkenness, or who being drunk anywhere so as to interfere with the rights, comfort, or business or convenience of others, shall, on conviction thereof, be fined not exceeding fifty dollars, and may be imprisoned, or put to hard labor for the city for not exceeding sixty days.

CHAPTER IV.

OFFENSES AGAINST MORALITY.

SECTION.

- 335. Card playing at public places ; betting on such games.
- 336. Keeping gaming table, keno, etc.
- 337. Betting at gaming table, etc.
- 338. Betting with minor, etc.
- 339. Retailers, etc., permitting gaming on their premises.
- 340. Renting room, etc., for gaming purposes.
- 341. Cock fighting.
- 342. Horse racing.
- 343. Working on Sunday.
- 344. Games on Sunday.
- 345. Barbering on Sunday.
- 346. Exceptions to working on Sunday.
- 347. Keeping open doors on Sunday.
- 348. Public prostitutes,
- 349. Renting house for prostitution.
- 350. Disorderly houses.
- 351. Riding or walking with prostitutes in public places.
- 352. Indecent exposure and nuisance.
- 353. Obscene language or indecent conduct in presence of females.
- 354. Selling lewd pictures.
- 355. Adultery and fornication.
- 356. Bigamy.
- 357. Incest.
- 258. Intermarriage between whites and negroes.
- 359. Party performing ceremony.
- 360. Abortion.
- 361. Selling or giving liquor on Sunday.
- 362. Retailing spirituous liquors without license.
- 363. Mayor may prohibit selling on certain occasions, or suspend license.

SEC. 335. *Card playing in public places, betting on such games.*—Any person who plays at any game with cards, dice, or any device or substitute for either cards or dice, at any tavern,

inn, storehouse for retailing spirituous liquors, or house or place, where spirituous liquors are retailed, sold, or given away, or in any public house, highway, or other public place, or who bets or hazards any money or other thing of value at or on any such game, played at any of the places above mentioned, must, on conviction, be fined not less than five nor more than fifty dollars.

SEC. 336. *Keeping gaming table, keno, etc.*—Any person who keeps, exhibits, or conducts, or is concerned in keeping, exhibiting, or conducting any faro bank, or bank of like kind, or any game of keno, or game of like kind, or any table for gaming of whatsoever name, kind, or description, for which no license is provided by the ordinances of this city, must, on conviction, be fined not less than five nor more than fifty dollars.

SEC. 337. *Betting at gaming tables, etc.*—Any person who bets or hazards any money or other thing of value at any bank, game, or gaming table prohibited in the preceding section, or at billiards, pool, or ten pins, or other table or alley for which a license is provided by the ordinances of the city, or whether regularly licensed or not, except the charge for the use of said billiard or pool table, or ten pin alley, must, on conviction thereof be fined not exceeding twenty-five dollars.

SEC. 338. *Betting with minor, etc.*—Any person who, being of full age, bets or hazards any money, or other thing of value with a minor, student, or pupil of any school, academy, or university, or who allows any minor, student, or pupil of any school, academy, or university, to bet or hazard money, or anything of value, at any ten pin alley, billiard table, or any gaming table, or any game of keno, exhibited or conducted by him, or in which he is interested or concerned, (whether such table, alley, or game be regularly licensed or not), or who allows any minor, student, or pupil of any school, academy, or university, to play at such table, game, or alley, without the written consent, or in the actual presence of the parent or guardian of such minor, must, on conviction, be fined not exceeding twenty-five dollars.

SEC. 339. *Retailers, etc., permitting gaming on their premises.*—Any person who, being a licensed retailer, or the

keeper, proprietor, owner, superintendent of any tavern, inn, or other public house, or of any house where spirituous, vinous, or malt liquors are sold, or given away, or of any out-house where people resort, knowingly suffers any of the offenses prohibited by the preceding sections to be committed in his house or on his premises, must, on conviction, be fined not exceeding twenty-five dollars.

SEC. 340. *Renting room, etc., for gaming purposes.*—Any person who, being the owner, proprietor, or manager of any house, booth, or tent, rents or leases the same to be used for gaming purposes, or for the exhibition of any gaming table not regularly licensed under the ordinances of this city, or knowingly permits the same to be used for any such purpose, must, on conviction thereof, be fined not exceeding twenty-five dollars.

SEC. 341. *Cock fighting.*—Any person who fights any chickens, dogs, or other fowls or animals, or who causes them to be fought in this city, or who is concerned or engaged in such fight, or who bets or hazards any money or thing of value on the result of such fight, shall be fined on conviction thereof, the sum of not less than ten nor more than fifty dollars.

SEC. 342. *Horse racing.*—Any person who shall engage in any horse race, or shall be in any way interested therein, within the corporate limits of this city, shall on conviction thereof, be fined not exceeding twenty-five dollars.

SEC. 343. *Working on Sunday.*—Any tradesman, laborer, or other person whatsoever, who shall do or exercise any worldly labor, or work of their ordinary calling on Sunday, (works of necessity, charity, and the necessary occasions of the family excepted,) shall, on conviction, be fined ten dollars.

SEC. 344. *Games on Sunday.*—Any person or persons, who shall engage in any game of sport, or make any public exhibition for amusement on Sunday, shall, on conviction, be fined not exceeding ten dollars each.

SEC. 345. *Barbering on Sundays.*—All barbers in this city may keep open their place of business until ten o'clock A. M., on Sunday, but not after, and for any violation of this ordinance the owner thereof, or the barber or workman performing the service, must, on conviction, be fined not exceeding ten dollars.

SEC. 346. *Exceptions to working on Sunday.*—The laws of this city, with regard to a decent observance of Sunday, shall not apply to keeping open ice-houses, bath-houses, drug-stores, hotels, restaurants, street-cars, and livery stables, nor to steam-boat or railroad trains arriving or departing on that day; nor to express, telephone, and telegraph companies.

SEC. 347. *Keeping open doors on Sunday.*—Any store-keeper, groceryman, or keeper of any retail or confectionary establishment whatever, within the city, who keeps open doors, or who is in the habit of selling, buying, or delivering any merchandise, liquor, or other article. (goods upon storage excepted) on Sunday, must on conviction, be fined not exceeding twenty-five dollars for each and every offense; *Provided*, this section shall not apply to hotels, boarding-houses, drug-stores, apothecary shops, physician's offices, restaurants, ice-houses, or livery stables, in their business as such.

SEC. 348. *Prostitutes.*—All public prostitutes, or such persons who lead a notoriously lewd or lascivious course of life, and all persons who, not being legally married, shall cohabit or live together as man and wife, shall, on conviction, be fined not exceeding fifty dollars, and for the second offense may be imprisoned or put to hard labor for the city for not exceeding thirty days, in addition to said fine.

SEC. 349. *Renting house for prostitution.*—Any person who shall keep a house for the purpose of prostitution, or who shall knowingly rent a house to be kept for such purpose, or be in any wise interested in keeping or renting such house, as agent or otherwise, shall be guilty of a misdemeanor, and on conviction, shall be fined not exceeding twenty-five dollars.

SEC. 350. *Disorderly houses.*—Any person who shall permit on or about their premises, riotous or disorderly conduct, or who shall permit persons to visit their houses, and engage in lewd and lascivious conversation, loud noises, cursing, or swearing, shall, on conviction, be fined not exceeding twenty-five dollars.

SEC. 351. *Riding or walking with prostitute in public place.*—Any male person over the age of sixteen years, except an officer in the discharge of his duty, who rides or walks through the public squares, or the streets, or other public places

of the city, with any public prostitute or woman of ill-fame, shall, on conviction, be fined not exceeding ten dollars. And to establish the character of such woman, it shall be sufficient to prove that she resides in, or is in the habit of visiting a bawdy house, or house of ill-fame.

SEC. 352. *Indecent exposure and nuisance.*—Any person who exposes the person in an indecent manner, or does any obscene or indecent act, or any nuisance in any alley, street, or other public place, must, on conviction, be fined not exceeding twenty-five dollars.

SEC. 353. *Obscene language or indecent conduct in presence of females.*—Any person who uses profane or obscene language, or does any indecent act in the view or hearing of any female, shall, on conviction, be fined not less than five nor more than twenty-five dollars.

SEC. 354. *Selling lewd pictures.*—Any person who sells or offers for sale, or exposes to view, any lewd or indecent pictures, prints, books, figures or papers, shall, on conviction thereof, be fined ten dollars.

SEC. 355. *Adultery or fornication.*—Any person who is guilty of living in adultery or fornication, shall, on conviction, be fined not less than ten nor more than one hundred dollars.

SEC. 356. *Bigamy.*—If any person, having a former wife or husband living, marries another, or continues to cohabit with such second husband or wife, in said city, he or she shall, on conviction, be fined not exceeding one hundred dollars.

SEC. 357. *Incest.*—Any person guilty of the crime of incest, or of cohabitation contrary to the order of nature, shall, on conviction thereof, be fined not exceeding one hundred dollars.

SEC. 358. *Intermarriage between whites and negroes.*—If any white person and any negro, or the descendants of any negro to the third generation, inclusive, intermarry or live in adultery with each other, he or she shall, on conviction, be fined not exceeding one hundred dollars.

SEC. 359. *Party performing ceremony.*—Any justice of the peace, minister of the gospel, or other person authorized by law to solemnize the rites of matrimony, who performs the marriage ceremony of any persons who are prohibited by the preceding

section from intermarrying, knowing that they are within the provisions of said section, must, on conviction, be fined not exceeding one hundred dollars.

SEC. 360. *Abortion.*—Any person who unlawfully ministers to any pregnant woman, any drug or substance, or uses or employs any instrument, or other means, to produce miscarriage, unless the same is necessary to preserve the life of the woman, and done for that purpose, must, on conviction, be fined not exceeding one hundred dollars, and may be imprisoned or put to hard labor for the city for not exceeding sixty days.

SEC. 361. *Selling or giving liquor on Sunday.*—Any person dealing in spirituous liquors, who shall sell or give away, within the corporate limits of this city, any spirituous, vinous or malt liquors on Sunday, shall be fined, on conviction thereof, twenty-five dollars for each and every offense.

SEC. 362. *Retailing spirituous liquors without license.* Any person who, not having first procured a license as a retailer, as in this Code provided, sells any spirituous, vinous, or malt liquors of any kind, in quantities less than a quart, or in any quantity if the same is drunk on or about his premises, or is sold to a person of known intemperate habits, or who is intoxicated at the time, must, on conviction, be fined not exceeding fifty dollars.

SEC. 263. *Mayor may prohibit selling on certain occasions, or suspend license.*—Every license to sell liquors within this city is subject to the following conditions: The Mayor may prohibit the selling, giving away, or otherwise disposing of spirituous, vinous or malt liquors, by wholesale or retail dealers, for the space of twenty-four hours, on election days, or other public occasions, or when he thinks it necessary to prevent a disturbance of the peace of the city; and he may, at his discretion, suspend any license to retail that may be hereafter granted, but such suspension shall be subject to appeal to the Board of Mayor and Aldermen. Any person violating any such order, or any such suspension, shall be fined, on conviction thereof, not exceeding the sum of one hundred dollars.

CHAPTER V.

OFFENSES AGAINST PUBLIC JUSTICE.

SECTION.

- 364. Resisting officer.
- 365. Escaped or obstinate convict.
- 366. Illegal voting.
- 367. Voting without registration or taking oath.
- 368. Bribing or attempting to influence voter.
- 369. Altering or changing vote of elector.
- 370. Disturbing elector on election day.
- 371. False oath by elector.
- 372. Refusal to aid officer in making arrest.
- 373. Personating officer.
- 374. Aiding person to escape.

SEC. 364. *Resisting officer*.—Any person who shall resist obstruct, impede, or prevent the Marshal, Policemen, or other officer of this city, in the discharge of the duties of his office, in any way whatever, or attempt to resist, be it either by word or action, shall, on conviction, be fined not exceeding fifty dollars, and may be imprisoned, or put to hard labor for the city, not exceeding sixty days.

SEC. 365. *Escaped or obstinate convict*.—If any city convict shall escape from his or her labor, or from the person having them in charge, or shall fail or refuse to perform the labor for the city, or for the person to whom they are hired, when sentenced to either, the said failure or refusal to do the work shall be deemed a misdemeanor, and on conviction thereof, he or she shall be fined not exceeding one hundred dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding sixty days.

SEC. 366. *Illegal voting*.—Any person voting more than once at any election held in this city, or depositing more than one ballot for the same office as his vote at said election, or

knowingly attempting to vote when he is not entitled to vote, or is guilty of any kind of illegal or fraudulent voting, is guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding one hundred dollars, and may be imprisoned, or put to hard labor for the city for not exceeding sixty days.

SEC. 367. *Voting without registration or taking oath.*—Any person voting at any election in the city of Tuscaloosa, who has not registered as required by the laws of said city, is guilty of a misdemeanor, and shall, on conviction, be fined not exceeding one hundred dollars, and may be imprisoned or put to hard labor for the city not exceeding sixty days.

SEC. 368. *Bribing or attempting to influence voter.*—Any person, who shall bribe, or offer to bribe, or by any other corrupt means attempts to influence any elector in giving his vote, or keep him from giving the same, or disturb or hinder him in the free exercise of the right of suffrage at any election held within the city of Tuscaloosa, he is guilty of a misdemeanor, and on conviction thereof, shall be imprisoned, or put to hard labor for the city for not exceeding sixty days.

SEC. 369. *Altering or changing vote of elector.*—Any person who fraudulently alters or changes the vote of any elector of this city, by which such elector is prevented from voting as he intended, is guilty of a misdemeanor, and, on conviction, shall be fined not exceeding one hundred dollars, and may be imprisoned, or put to hard labor for the city, for not exceeding sixty days.

SEC. 370. *Disturbing elector on election day.*—Any person who, on any election day in the city of Tuscaloosa, disturbs or prevents, or attempts to disturb or prevent, any elector from freely casting his ballot, or who shall demand to see the ticket of any elector, or shall disturb by attempting to look at or inspect the ticket of any elector, at or near the polls on election day, is guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding one hundred dollars, and may be imprisoned, or put to hard labor for the city for not exceeding sixty days.

SEC. 371. *False oath by elector.*—Any person who knowingly and corruptly takes the oath required by section 11 of this Code for electors of this city, or who causes himself to be registered as a voter without having the qualifications required by law to entitle him to vote at any election of this city, shall, on conviction, be fined not exceeding fifty dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding sixty days.

SEC. 372. *Refusal to aid officer in making arrest.*—Any person who having been summoned or commanded by an officer of this city, having authority, to assist such officer in making an arrest, shall refuse or neglect to do so, shall, on conviction thereof, be fined not exceeding fifty dollars.

SEC. 373. *Personating officer.*—Any person who falsely assumes or represents himself to be an officer of the State or City, or attempts without legal authority to exercise any of the authority of such officer, shall be fined not less than five nor more than fifty dollars.

SEC. 374. *Aiding person to escape.*—Any person who assists any person in the custody of an officer of this city to escape, or attempts to escape from such custody, or who rescues or attempts to rescue any person so in custody, shall be fined not exceeding fifty dollars.

CHAPTER VI.

OFFENSES AGAINST PUBLIC SAFETY.

SECTION.

- 375. Discharging fire-arms.
- 376. Shooting gravel-shooter, or sling-shot.
- 377. Storing loose cotton, etc.
- 378. Storing combustibles, etc.
- 379. Sailing kites.
- 380. Carrying concealed weapons.
- 381. Disturbing assemblages of people.
- 382. Disturbing shows or public meetings.
- 383. Police attend shows and arrest disorderly persons—compensation therefor.
- 384. Accepting or carrying challenge.
- 385. Defacing grave.
- 386. Discharging fire-works.
- 387. Unlawful to keep explosives.
- 388. Obstructing streets and sidewalks.
- 389. Obstructing sidewalks and crossings.
- 390. Encroaching on streets or sidewalks.
- 391. Hitching to trees.
- 392. Fast driving
- 393. Building cellar doors.
- 394. Leaving cellar door open or insecure.
- 395. Leaving excavation open.
- 396. Hitching animal to lamp-post, etc.
- 397. Animal hitched contrary to law seized.
- 398. Hanging signs, awnings, etc.
- 399. Drivers of vehicles must keep to the right.
- 400. Removal of nuisances.
- 401. Animals running at large.
- 402. Animals running at large taken up and sold.
- 403. Fees for taking up and feeding.
- 404. Proceeds of sale and claim of owner.
- 405. Officer neglecting duty or buying at sale.
- 406. Allowing dangerous animals to go at large.
- 407. Disturbing assemblage of people met for worship.

- 408. Disturbing occupant of college or school.
- 409. Obstructions on streets or sidewalks.
- 410. Refuse matter placed in front of premises.
- 411. Causing collision of vehicles.
- 412. Boys playing about street cars.
- 413. Ball playing on streets.
- 414. Fire limits, and violation of.
- 415. Enlargement of wooden buildings within fire limits.
- 416. Application to board to build wooden buildings within fire limits.
- 417. Removal of wooden buildings, when and how made.
- 418. Dangerous buildings removed on notice.
- 419. Tying cans to animals, etc.
- 420. Carrying concealed brass-knuckles or slung-shot.
- 421. Leaving teams unhitched.

SEC. 375. *Discharging fire-arms.*—Any person who shall discharge a gun, pistol, or other fire-arm within the corporate limits of this city, unless in self-defense, or in the execution of the law, or at a military parade by order of the proper officer, without the express permission of the Mayor, must, on conviction, be fined not exceeding twenty-five dollars.

SEC. 376. *Shooting gravel-shooter, or sling-shot.*—Any person who shall shoot gravel or other substance out of or with a gravel-shooter, sling-shot, or implement of like kind, within the corporate limits of this city, shall be fined on conviction, not exceeding five dollars.

SEC. 377. *Storing loose cotton, etc.*—Any merchant, trader, or other person, who shall store, within the fire limits of this city, any loose cotton, hay, shucks, or like inflammable articles, shall be guilty of a misdemeanor, and on conviction, be fined not exceeding fifty dollars; *provided*, that no one shall be excluded from purchasing loose cotton, hay, shucks, or like articles, and store the same until removed, not to exceed one week at any one time from the purchase.

SEC. 378. *Storing combustibles, etc.*—Any person who shall store within the fire limits of this city any kerosene or other explosive oils, unslacked lime, powder, nitroglycerine, or other dangerous combustibles, in greater quantities than is nec-

essary for a retail trade therein, is guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding fifty dollars.

SEC. 379. *Sailing kites.*—No person or persons shall be permitted to sail kites within the business portion of this city, or on the main thoroughfares leading to or from the city, and any person violating this law, or permitting his or her children to violate the same, shall, on conviction, be fined the sum of five dollars.

SEC. 380. *Carrying concealed weapons.*—Any person who, not being threatened with, or having good reason to apprehend an attack, carries concealed about his person a bowie-knife, or any other knife of like kind or description, or a dirk, or a pistol, or fire-arms of like kind or description, must, on conviction, be fined not exceeding fifty dollars, and may be imprisoned or put to hard labor for the city for not exceeding sixty days.

SEC. 381. *Disturbing assemblage of people.*—Any person who shall wilfully disturb any assemblage of people met together in said city, composed in whole or in part of females, by making any noise, cursing, swearing, whistling, or by any other rude or indecent behavior, shall, on conviction, be fined not exceeding ten dollars, and may be imprisoned or sentenced to hard labor for the city not exceeding thirty days.

SEC. 382. *Disturbing shows or public meetings.*—Any person who disturbs the audience at any show, exhibition, or public performance, or disturbs any lawful public meeting or assembly, by boisterous talking, whistling, swearing, or any rude or indecent acts or conduct, shall be fined not exceeding ten dollars.

SEC. 383. *Police to attend shows and arrest disorderly persons: compensation therefor.*—It is the duty of the Mayor or Marshal to appoint one or more of the police, if it be desired by the manager, to attend each performance of any licensed show or exhibition. Each officer, so appointed, shall receive from such manager one dollar per day or night that he may be in attendance on such exhibition or show, and it is his duty to attend at each performance, and promptly to arrest and remove

all persons violating any of the laws of the city. If the manager of any licensed exhibition fails to pay such officer or officers, his license shall be revoked.

SEC. 384. *Accepting or carrying challenge.*—Any person who gives, accepts, or knowingly carries a challenge, in writing or otherwise, to fight with any deadly weapon, or otherwise, either in or out of the State, must, on conviction, be fined not exceeding twenty-five dollars.

SEC. 385. *Defacing grave.*—Any person molesting or defacing any grave for any unlawful purpose, must, on conviction, be fined not exceeding one hundred dollars, and may be imprisoned or sentenced to hard labor for the city for not exceeding sixty days.

SEC. 386. *Discharging fireworks.*—Any person who shall throw, set fire to, display, or discharge any fire-crackers, Roman candles, rockets, fire balls, bon-fires, or other fireworks, within the corporate limits, without the consent of the Mayor, specifying when and where the same may be exhibited or take place, shall, on conviction, be fined not exceeding ten dollars.

SEC. 387. *Unlawful to keep explosives.*—It shall not be lawful for any one to keep, except at the powder magazine, more than twenty-five pounds of gun-powder or other explosive, at any one time, and such explosive must be kept only in tin canisters, well secured from fire, and shall not be sold by artificial light. Any one violating the provisions of this ordinance, shall be fined not exceeding twenty-five dollars.

SEC. 388. *Obstructing streets and sidewalks.*—Any person who shall obstruct or encumber a street or sidewalk with goods, merchandise, lumber, fuel, or any article or obstruction whatever, or do any act restricting the free use of the same, for a longer time than is absolutely necessary, shall, on conviction, be fined not exceeding ten dollars; and any person who, being so fined, or being notified by the city marshal, or any policeman, to remove said obstruction, permits said obstruction to remain in any street or sidewalk, shall be subject to a separate fine of ten dollars for each day he allows said obstruction to remain after such fine or notice.

SEC. 389. *Obstructing sidewalks and crossings.*—Any person who rides, drives, or leads any horse, mule, or ox, or who drives any vehicle upon the sidewalks of this city, except to cross the same; and any person who obstructs the free passage of any street crossing in this city, with any vehicle, or otherwise, and who shall not immediately remove such obstruction upon the request of any person wishing to use such crossing, shall, on conviction thereof, be fined not exceeding ten dollars.

SEC. 390. *Encroaching on streets or sidewalks.*—Any person, who shall hereafter erect, or extend, or enlarge house or building, or erect or extend a fence, so as to encroach upon any street or sidewalk of the city, shall be fined ten dollars on conviction thereof, and a like sum for every day such encroachment shall continue after being notified to remove the same.

SEC. 391. *Hitching to trees.*—Any person who shall hitch any horse, mule, or other animal to the shade or ornamental trees upon the streets or public places of said city, or the boxes thereto; or in any manner damage the same; or who shall hitch any animal to a fence so that the same can stand upon the sidewalk, except a physician in case of necessity, shall be fined not exceeding ten dollars.

SEC. 392. *Fast driving.*—Any person who shall drive or ride any animal at a gallop, or in a run, in this city, or who shall drive or suffer droves of mules, horses, or other animals to be driven through the streets at a gait faster than a walk, shall, on conviction, be fined the sum of five dollars.

SEC. 393. *Building cellar doors.*—Any person who shall, within the fire limits, cause to be built any cellar door upon any of the sidewalks, unless the same be built so as to be smooth and level with the surface of such sidewalk, shall be fined five dollars, and a like sum for each two days said door continues in such condition.

SEC. 394. *Leaving cellar door open or insecure.*—Any person who shall leave a cellar door open at night, except when in actual use, or who shall keep a cellar door on any street so insecure as to render the walking thereupon or over the same un-

safe or dangerous, shall be fined not exceeding ten dollars; and he shall be fined an additional ten dollars for every two days during which he allows such cellar door to remain insecure.

SEC. 395. *Leaving excavation open.*—If any person digging a cellar or vault, or making any other excavation in or near a street or sidewalk, shall leave such cellar, vault, or other excavation open, or if any person building or repairing a house shall leave the materials therefrom in such a condition as to endanger persons in passing along the street or sidewalk, he shall, on conviction, be fined five dollars, and a like sum for each day's continuance thereof.

SEC. 396. *Hitching animals to lamp posts, etc.*—Any person, except a physician in case of necessity, who shall hitch any animal to any lamp or awning post, or who shall hitch a jack or stallion within said city in a public place, shall be fined, on conviction, five dollars.

SEC. 397. *Animal hitched contrary to law seized.*—Any horse or other animal found hitched or tied contrary to the ordinances of this city, shall be seized and detained by the city marshal, or any policeman, until the fine is paid.

SEC. 398. *Hanging signs, awnings, etc.*—Any person who shall hang a sign, or erect an awning, or cause or allow any thing to hang or be over any sidewalk or pavement, at less than nine feet above the same, or throw any article from the roof or upper story of a house upon the street or sidewalk, shall, on conviction, be fined five dollars.

SEC. 399. *Drivers of vehicles must keep to right.*—Any person driving a cart, dray, or wagon, or any other vehicle of any description through any street, lane, or alley, must, when meeting any other vehicle, keep to that side of such street, lane, or alley which is on the right of such driver, and any person violating the provisions of this section, must be fined five dollars.

SEC. 400. *Removal of nuisances.*—It is the duty of the marshal and police to report to the Mayor all persons who may create or allow any nuisance, to remove all nuisances from the streets, alleys, or public grounds of the city, at the cost of the per-

son creating them, when known, and when such person is unknown, at the cost of the city; and if any person, whose duty it is to remove any nuisance from his premises or elsewhere, shall allow the same to remain, the marshal and police must remove the same at the cost of the delinquent; and any delinquent, failing to pay such cost after three days notice, is guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding ten dollars.

SEC. 401. *Animals running at large.*—It is unlawful for any stallion, horse, mare, mule, jack, jennet, goat, boar over three months old, or bull over one year old to run at large on the streets or commons of this city, and any person who shall permit, allow, or suffer such animal to so run at large, is guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding ten dollars.

SEC. 402. *Animals running at large taken up and sold.*—The marshal or any policeman who finds any stallion, horse, mare, mule, jack, jennet, goat, boar over three months old, or bull over one year old running at large within said city, shall take up and impound said animal, and report the same to the Mayor; said marshal or policeman shall forthwith notify the owner of said animal, if he be known, or if unknown, post a notice at the City Hall, to appear before the Mayor within forty-eight hours and claim said property: said notice shall describe the marks and appearance of the animal, and mention the time and place said claim may be made before the Mayor. The said property shall be delivered to the owner claiming them within said time upon payment of all lawful fees and charges; but should the owner not claim them, or should the costs and charges thereon be not paid, the Mayor, upon its appearing that said animal or animals were so running at large, shall forthwith order them to be sold, and the marshal shall sell them to the highest bidder for cash.

SEC. 403. *Fees for taking up and feeding.*—The Marshal or any policeman taking up any such animal found running at large, is entitled to a fee of one dollar for each animal so taken

up, and to reasonable costs for feeding and caring for such animal, which fees shall be paid by the owner claiming such animal, or retained from the proceeds of sale.

SEC. 404. *Proceeds of sale and claim of owner.*—The marshal must pay over the proceeds of all sales so made, less the fees and charges of the officer for seizing and keeping such animal, to the Mayor, with a report of his proceedings in such matter, and a description of the animal so sold, which sum shall be deposited with the treasurer, and any owner who shall prove to the satisfaction of the Board his title to such animal, within sixty days from the date of sale, shall receive from the Board an order on the treasurer for the net proceeds of such sale.

SEC. 405. *Officer neglecting duty or buying at sale.*—Any officer of this city who wilfully fails or neglects to perform any duty imposed upon him by the four preceding sections, or who shall bid, or be directly or indirectly interested in any purchase at a sale made under said sections, shall, on conviction, be fined not exceeding fifty dollars.

SEC. 406. *Allowing dangerous animals to go at large.*—Any person who allows any dangerous, vicious or mischievous animal to go at large within the limits of the city, shall be fined, on conviction, not exceeding twenty-five dollars.

SEC. 407. *Disturbing assemblage of people met for worship.*—Any person who wantonly or wilfully disturbs any assemblage of people, met within this city for the purpose of instruction, recreation, worship, or amusement, by loud talking, whistling, noise, or any other conduct, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not exceeding ten dollars.

SEC. 408. *Disturbing occupants of college or school.*—Any person who, without legal cause or good excuse, enters upon or goes sufficiently near the premises of any college or school, within or adjoining this city, and makes use of any vulgar, profane, or obscene, language, within the hearing of any of the occupants thereof, or who loafs, loiters, or passes continuously along or on the streets of said city connected therewith

and adjoining thereto, and by loud talking, hallooing, noise of any kind, or any other conduct, disturbs the peace, quiet, or tranquility, of any of the occupants thereof, is guilty of a misdemeanor, and, on conviction thereof, shall be fined not exceeding ten dollars.

SEC. 409. *Obstructions on street or sidewalk.*—It is hereby declared to be unlawful for any person who owns, controls, or rents a store house, or other premises within the fire limits of this city, or for any person acting as a clerk, agent, or servant of such person so owning, controlling or renting said premises, to place upon, or knowingly suffer to remain upon, the sidewalk or street in front of said premises, any loose paper, beer kegs, boxes, barrels, chicken-coops, trash, or refuse matter, or any kind of stand, or other obstruction to the free use of said sidewalk or street. Any person who violates the provisions of this ordinance shall, on conviction thereof, be fined not less than five nor more than fifty dollars.

SEC. 410. *Refuse matter placed in front of premises.*—Every person, owning, controlling, renting, or occupying any premises within the fire-limits of this city, shall, as often as is necessary during the week, between the hours of seven and eight o'clock A. M., place before his house of business or premises, and off the sidewalk, a box, barrel, or some other article, containing such trash, loose paper, or other refuse matter as may have accumulated on such premises, and must remove said box, barrel, or other article, from the street and sidewalk as soon as the said refuse matter shall be taken therefrom by the marshal. It is hereby made the duty of the city marshal to remove said trash, loose paper, or other refuse matter, from the streets between the hours of seven and nine o'clock A. M., on each and every day during the week, except Sunday. Any person who shall fail or refuse to comply with the provisions of this ordinance, shall, on conviction thereof, be fined not less than five nor more than fifty dollars.

SEC. 411. *Causing collision of vehicles.*—Any person who intentionally causes a vehicle, or animal drawing the same, to

come in collision with any other vehicle, object, or person, shall be fined, on conviction thereof, not exceeding twenty-five dollars.

SEC. 412. *Boys playing about street-cars.*—Any boy who shall hang on the street cars while in motion, or attempt to steal a ride thereon, or who shall play or engage in any sport about the same, after having first been warned to desist by some employee of said street cars company, or some officer of the city, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding ten dollars.

SEC. 413. *Ball playing on streets.*—Any person who engages in any kind of ball playing on the public streets shall, on conviction thereof, be fined not exceeding ten dollars.

SEC. 414. *Fire limits and violations of.*—The fire limits of the city shall extend from the east side of Madison Street, to the west side of Washington Street, and from the north side of Pine Street to the south side of Cotton Street. Any person who shall erect within said fire limits any building of combustible material, or who shall cover any building with combustible materials, shall, on conviction thereof, be fined not exceeding fifty dollars.

SEC. 415. *Enlargement of wooden building within fire limits.*—Any person who shall hereafter enlarge or elevate a wooden building of any kind, within the fire limits of this city, shall be fined, on conviction thereof, not exceeding twenty-five dollars.

SEC. 416. *Application to Board to build wooden building within fire limits.*—Any person who desires to build or enlarge any wooden building within the fire limits of the city of Tuscaloosa, may make application to the Board of Mayor and Aldermen for such purpose, having first given a written notice thereof, by posters put up in three places on Broad Street in said city, and at the City Hall door, for ten days previous to the time of his application; and should said application be granted, the two preceding sections of this Code shall not apply to him.

SEC. 417. *Removal of wooden buildings, when and how made.*—The Board may order the removal of any wooden building heretofore erected within the fire limits, and on such order

being made and before the same is executed, the Mayor shall summon three disinterested freeholders to determine what sum would be just compensation to the owner for such removal, who, after being duly sworn, shall make their assessment in writing and return the same to the Mayor, who shall record the same; the amount so assessed shall be paid to the owner by the city before such removal is made, and from such assessment an appeal lies to the circuit court, as in the case of other judgments of the Mayor.

SEC. 418. *Dangerous buildings removed on notice.*—Whenever complaint shall have been made to the Mayor, that any building within the city has, from decay or otherwise, become dangerous to life or property, or is liable to fire from defective flue, or to fall from decay or other cause, he shall cause examination to be made, and the complaint, having been found justly laid, shall cause notice to be served on the owner or occupant of said building to remove or repair the same. Any person, so notified, who shall neglect or refuse to comply with the requirements of said notice, shall, on conviction thereof, be fined not exceeding one hundred dollars; and such additional fine may be imposed upon him for every ten days' refusal or neglect to comply with the said notice.

SEC. 419. *Tying cans to animals, etc.*—Any person who shall tie, or otherwise attach any tin can, fireworks, or other substance to the tail, or other part of any dog, cat, or other animal, so as to frighten the same and endanger the person or property of others, shall on conviction thereof, be fined not exceeding ten dollars.

SEC. 420. *Carrying concealed brass-knuckles and slung-shot.*—Any person who carries concealed about his person brass knuckles, slung-shot, or other weapon of like kind or description, or who carries a rifle or shot gun walking cane, shall, on conviction thereof, be fined not exceeding one hundred dollars, and may be imprisoned, or put to hard labor for the city for not exceeding sixty days.

SEC. 421. *Leaving teams unhitched.*—Any person who leaves a team of horses, mules, or oxen, or a horse or mule attached to any vehicle, standing unhitched on the public streets, and without any person in charge, shall, on conviction thereof, be fined not exceeding ten dollars.

CHAPTER VII.

OFFENSES AGAINST PUBLIC HEALTH.

SECTION.

- 422. Selling unsound bread.
- 423. Adulterating sugar, etc.
- 424. Adulterating liquors.
- 425. All property to be kept clean.
- 426. Selling unsound articles.
- 427. Selling unsound meat or fish.
- 428. Diseased animal at large.
- 429. Stagnant water.
- 430. Cellars, cisterns, etc.
- 431. Creating nuisance in street.
- 432. Permitting privies and stables to become offensive.
- 433. Keeping slaughter-house within corporation.
- 434. Permitting vicious animals to run at large, or go into the public streets.

SEC. 422. *Selling unsound bread.*—Any baker, or other person, who sells, or offers, or exposes for sale, or suffers his servant, agent, clerk, or other person to sell or offer for sale, any bread made from sour or unwholesome flour, must, on conviction, be fined not exceeding twenty-five dollars.

SEC. 423. *Adulterating sugar, etc.*—Any merchant, grocer, or other person, who mixes any foreign matter or substance with sugar, or any other article or commodity of commerce, so as to deteriorate the quality, and sells or offers or exposes for sale such adulterated sugar, or suffers his servant, agent, clerk, or other person for him, to sell or offer for sale, by himself or another, sugar, or other article or commodity of commerce, known to be adulterated, must, on conviction, be fined not exceeding one hundred dollars.

SEC. 424. *Adulterating liquors.*—Any manufacturer, brewer, distiller, grocer, retailer of spirituous, vinous, or malt liquors,

or other person, who sells or offers for sale, or permits his servant, agent, or clerk to sell or offer for sale for him, any spirituous, vinous, or malt liquors which have been adulterated by the mixture of any substance not used in the proper manufacture of such spirituous, vinous, or malt liquors, or of a pernicious or unwholesome character, must, on conviction, be fined not exceeding fifty dollars.

SEC. 425. *All property to be kept clean.*—All persons living on or owning property within the city, are required to keep the several lots by them owned, or connected with their residences or stores, and the sidewalks in front of their residences or stores, in a cleanly condition; to keep cellars and out-houses well ventilated and cleaned, and their premises free from all filth and all matter that would prove offensive or liable to create disease. Any person violating the provisions of this ordinance shall be fined, on conviction, five dollars, and an additional five dollars for each continuance of the offense for twenty-four hours.

SEC. 426. *Selling unsound articles.*—Any person offering for sale any article in the corporate limits of the city calculated to produce filth or impurity, or who shall fail to thoroughly cleanse the blocks, stalls, planks, etc., they may have used, or who shall, at the expiration of market hours, fail to remove, forthwith, all articles which may remain unsold, all offal, refused or rejected articles, and other offensive matter, shall, on conviction, be fined not exceeding twenty dollars.

SEC. 427. *Selling unsound meat or fish.*—Any person who offers for sale, or allows his servant or agent to offer for sale, any tainted, putrid, or unwholesome fish or flesh, or the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, for the purpose of being sold, shall be fined not exceeding twenty-five dollars, and may be imprisoned or sentenced to hard labor for the city for not exceeding thirty days.

SEC. 428. *Diseased animal at large.*—Any person who knowingly suffers any horse, mule, mare, or other animal, diseased with glanders, distemper, or other contagious disease, to

go at large on the streets or commons of this city, shall be fined not exceeding ten dollars.

SEC. 429. *Stagnant water.*—Any person who causes or occasions any pool of stagnant water, within the city limits, shall be fined, on conviction, five dollars, and a like sum for every twenty-four hours' continuance of such nuisance.

SEC. 430. *Cellars, cisterns, etc.*—Any owner or occupant of a lot within this city, on which there is a cellar, cistern, or well not in use, and containing or liable to contain stagnant water, or other filth, who shall fail or refuse, after notice from the Marshal, to cause the same to be filled up or cleaned, within one week after said notice, shall, on conviction, be fined ten dollars, and a like sum for each two days' continuance thereafter.

SEC. 431. *Creating nuisance in street.*—Any person who shall throw, or otherwise convey any offal, or dead animal on any street, alley, house, public, or private place within this city, thereby creating an offensive smell, must, on conviction, be fined the sum of ten dollars.

SEC. 432. *Permitting privies and stables to become offensive.*—It is the duty of every person owning or using privy or stable in the city to keep the same in a clean and neat manner, so that the smell thereof shall not become offensive to the adjoining inhabitants or to persons passing along the street, and for this purpose, such person must cause such stable or privy to be frequently cleaned and emptied, and the pit of such privy, and the floor or stalls of such stable, to be frequently covered with lime or other disinfectant; and any person violating any of the provisions of this section, or who keeps any privy or stable in such manner that the smell thereof becomes offensive to the neighboring inhabitants or to persons passing along the streets, shall be fined, on conviction, the sum of ten dollars, and a like sum for each day's continuance thereof.

SEC. 433. *Keeping slaughter-house within corporation.*—It is hereby declared to be unlawful for any person to keep or establish any slaughter-house, or other establishment for carrying on the butchering business within the corporate limits of the

city of Tuscaloosa, without having first obtained the unanimous consent of the Board of Mayor and Aldermen; and any person violating the provisions of this section, shall, on conviction, be fined not less than fifty nor more than one hundred dollars, and the Mayor shall not have authority to remit any portion of such fine.

SEC. ~~4~~⁵³⁴. *Permitting vicious animals to run at large or go into the public streets.*—Any person, the owner or keeper of a vicious or biting dog, or other animal accustomed to attack persons, or animals or fowls, who suffers the same to go upon the public streets without being muzzled, is guilty of a misdemeanor, and, on conviction, shall be fined not exceeding one hundred dollars.

CHAPTER VIII.

MISCELLANEOUS OFFENSES.

SECTION.

- 435. Vagrants and loafers.
- 436. Enticing servants.
- 437. Enticing persons under written contract.
- 438. Southern Bell Telephone and Telegraph Company may erect poles on street.
- 439. Marshal directs placing and removal of poles.
- 440. Injuring Telephone property.
- 441. Disorderly conduct.
- 442. Common law misdemeanors.
- 443. Birds and bird nests.
- 444. Defamation of female.
- 445. Defamation of person.
- 446. Officer failing to perform duty.
- 447. Draymen, etc.; refusing to carry load.
- 448. Hackman refusing to carry passengers, etc.; exceptions, etc.
- 449. Hacks running without number, lights, rates, etc.
- 450. Drays running without number, etc.
- 451. Refusing to pay hackman, drayman, etc.

SEC. 435. *Vagrants and loafers*.—Any vagrant, idler, loafer, or suspicious person, having no visible means of support, who shall be found within the limits of this city, shall be forthwith apprehended upon the warrant of the Mayor, who shall examine him, and any witness he sees fit touching his business and conduct, and if he be found with no visible means of support or employment, whereby to support himself, and is able to work, the Mayor shall commit him to jail, or sentence him to hard labor for the city for not exceeding thirty days.

SEC. 436. *Enticing servant*.—Any person who entices, decoys, or persuades any apprentice or servant to leave the service or employment of his master, must, on conviction, be fined not exceeding twenty-five dollars, and may be imprisoned, or sentenced to hard labor for the city not exceeding thirty days.

SEC. 437. *Enticing persons under written contract.*—Any person who knowingly interferes with, hires, employs, entices away, or induces to leave the service of another, any laborer or hired person, who has stipulated or contracted in writing, to serve for any given number of days, weeks, months, or for one year, before the expiration of the time stipulated or contracted for, such contract being in force and binding on the parties thereto, without the consent of the party employing, or to whom the service is due, is guilty of a misdemeanor, and on conviction, must be fined not exceeding one hundred dollars, one-half of said fine to go to the party injured, and may be imprisoned, or put to hard labor for the city for not exceeding thirty days.

SEC. 438. *Southern Bell Telephone and Telegraph Company may erect poles on street.*—The Southern Bell Telephone and Telegraph Company are hereby permitted to erect such poles on the streets of the City of Tuscaloosa as are necessary to conduct their Telephone and Telegraph business in said city, and to carry their wires from pole to pole as they may deem necessary.

SEC. 439. *Marshal directs placing and removal of poles.*—All poles or other obstructions put upon the streets of said city by said Telephone and Telegraph Company shall be placed in such position as the Marshal of the City shall direct, and shall be removed entirely, or their position changed, if the Mayor and Aldermen should so order.

SEC. 440. *Injuring Telephone property.*—Any person who shall post bills upon, hitch any animal to, or in any manner wantonly or maliciously injure or deface any pole, wire, or other property of said Southern Bell Telephone and Telegraph Company, is guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding twenty-five dollars.

SEC. 441. *Disorderly conduct.*—Any person who disturbs the peace and tranquility of said city, or of any of the inhabitants thereof, by loud singing, hallooing, mimicking, fighting, bantering, cursing, or swearing, or any other disorderly conduct; or

who utters any blasphemous, indecent, or obscene expressions on the public streets, or who is found drunk on the public streets, or in any public place in said city, or any person who suffers such conduct in his or her store, dwelling-house, or upon his or her premises, must, on conviction, be fined not less than five nor more than one hundred dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding sixty days.

SEC. 442. *Common law misdemeanors.*—Any person who commits a public offense, which was a misdemeanor at common law, the punishment of which is not specified in this Code, must, on conviction thereof, be fined not exceeding one hundred dollars, and may be imprisoned, or sentenced to hard labor for the city for not exceeding sixty days.

SEC. 443. *Birds and bird nests.*—Any person who shall wantonly or maliciously injure or kill any bird, except jay birds and game birds in season, or who shall destroy the nest of any bird, except jay birds, shall be fined, on conviction thereof, not exceeding ten dollars.

SEC. 444. *Defamation of female.*—Any person who writes, prints, or speaks of and concerning any female, falsely or maliciously imputing to her a want of chastity, shall, on conviction, be fined not exceeding twenty-five dollars.

SEC. 445. *Defamation of person.*—Any person who writes, prints, or speaks of and concerning another, any accusation, falsely and maliciously imputing the commission by such person of a felony, or any other indictable offense involving moral turpitude, or any offense against the laws of this city, shall on conviction thereof, be fined not exceeding ten dollars.

SEC. 446. *Officer failing to perform duties.*—Any officer of this city upon whom any duty is imposed, by any section of the Charter or Code of Laws of said city, who wilfully neglects to perform said duty, is guilty of a misdemeanor, and on conviction, shall be fined not exceeding one hundred dollars.

SEC. 447. *Drayman, etc.: refusing to carry load.*—Any person, being the owner or driver of a licensed dray, cart, or

wagon, who refuses without sufficient excuse, to carry a load to any part of the city between the hours of sunrise and sunset, must, on conviction, be fined not less than one nor more than one hundred dollars.

SEC. 448. *Hackman refusing to carry passengers, etc.; exceptions, etc.*—Any person being the owner or driver of a licensed hack or other licensed vehicle for the carriage of passengers, who refuses without sufficient excuse, to carry any passenger to any part of the city, must, on conviction, be fined not less than one nor more than one hundred dollars. *Provided*, That no hackman shall be required to carry any passenger who is intoxicated or disorderly, or who is afflicted with any loathesome or contagious disease, or who refuses to pay in advance when asked to do so, or who for other good reason, to be judged of by the Mayor, should be excluded.

SEC. 449. *Hacks running without number, lights, rates, etc.*—Any person who runs any public vehicle for the carriage of passengers without having its number painted on its lamps, so as to be clearly seen, or at night without having its lamps lighted, must, on conviction, be fined not less than one nor more than one hundred dollars.

SEC. 450. *Drays running without number, etc.*—Any person who runs any cart, dray, wagon, or other vehicle for hire or profit, without having its license number fastened thereon in a conspicuous place, must, on conviction, be fined not less than one nor more than one hundred dollars.

SEC. 451. *Refusing to pay hackman, drayman, etc.*—Any person who refuses to pay the owner or driver of any public vehicle, or any licensed cart, dray, or wagon, the rate fixed by law for the service rendered, must on conviction, be fined not less than one nor more than one hundred dollars.

CHAPTER IX.

VIOLATION OF LICENSE LAWS.

SECTION.

- 452. Failure to take out license.
- 453. Failure to render tax list.
- 454. Officer neglects duty imposed by revenue law.
- 455. Refusing to testify as to taxes.

SEC. 452. *Failure to take out license.*—Any person who shall engage in any business, trade, or profession, or keep any establishment, or do any business, or any act for which a license is required by the ordinances of this city, without having first obtained such license, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than double the sum required to be paid for the license, and not more than one hundred dollars, and may be imprisoned, or put to hard labor for the city for not less than sixty days.

SEC. 453. *Failure to render tax list.*—Any person who fails or refuses to render a list of his taxable property and other items of taxation, or who knowingly renders a false, fraudulent, or incomplete list, or who attempts to evade a compliance with the revenue laws of the city, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding one hundred dollars, and may be imprisoned, or put to hard labor for the city for not exceeding sixty days.

SEC. 454. *Officer neglects duty imposed by revenue law.*—Any officer or person on whom any duty is imposed by the laws of this city concerning the revenue, taxation, and licenses thereof, who wilfully neglects to perform such duty, shall be fined not exceeding one hundred dollars, and may be proceeded against in such other manner as the Board may determine.

SEC. 455. *Refusing to testify as to taxes.*—Any person who is summoned by the Tax Assessor, or other lawful officer of this

city, to testify as to the value of any real estate, or as to the correctness or fairness of any assessment, and who fails to attend, or who refuses to testify, is guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding fifty dollars.

CHAPTER X.

FEEs AND COSTS.

SECTION.

456. Fines for use of city.

457. Defendant convicted pays costs.

458. Frivolous or malicious party complaining pays costs.

SEC. 456. *Fines for use of city.*—All fines, penalties, forfeiture, and recoveries for violation of any law or ordinance of this city, shall be for the use and benefit of the city, unless otherwise expressly provided.

SEC. 457. *Defendant convicted pays costs.*—Any person convicted of any violation of the laws of this city, shall pay all the costs of the case.

SEC. 458. *Frivolous or malicious party complaining pays costs.*—Whenever a person is tried on the complaint of another and is acquitted, the Mayor may, if he is satisfied that the complaint is frivolous or malicious, tax the party making the same with all, or any part of the costs at his discretion, and the same shall be collected as other costs.





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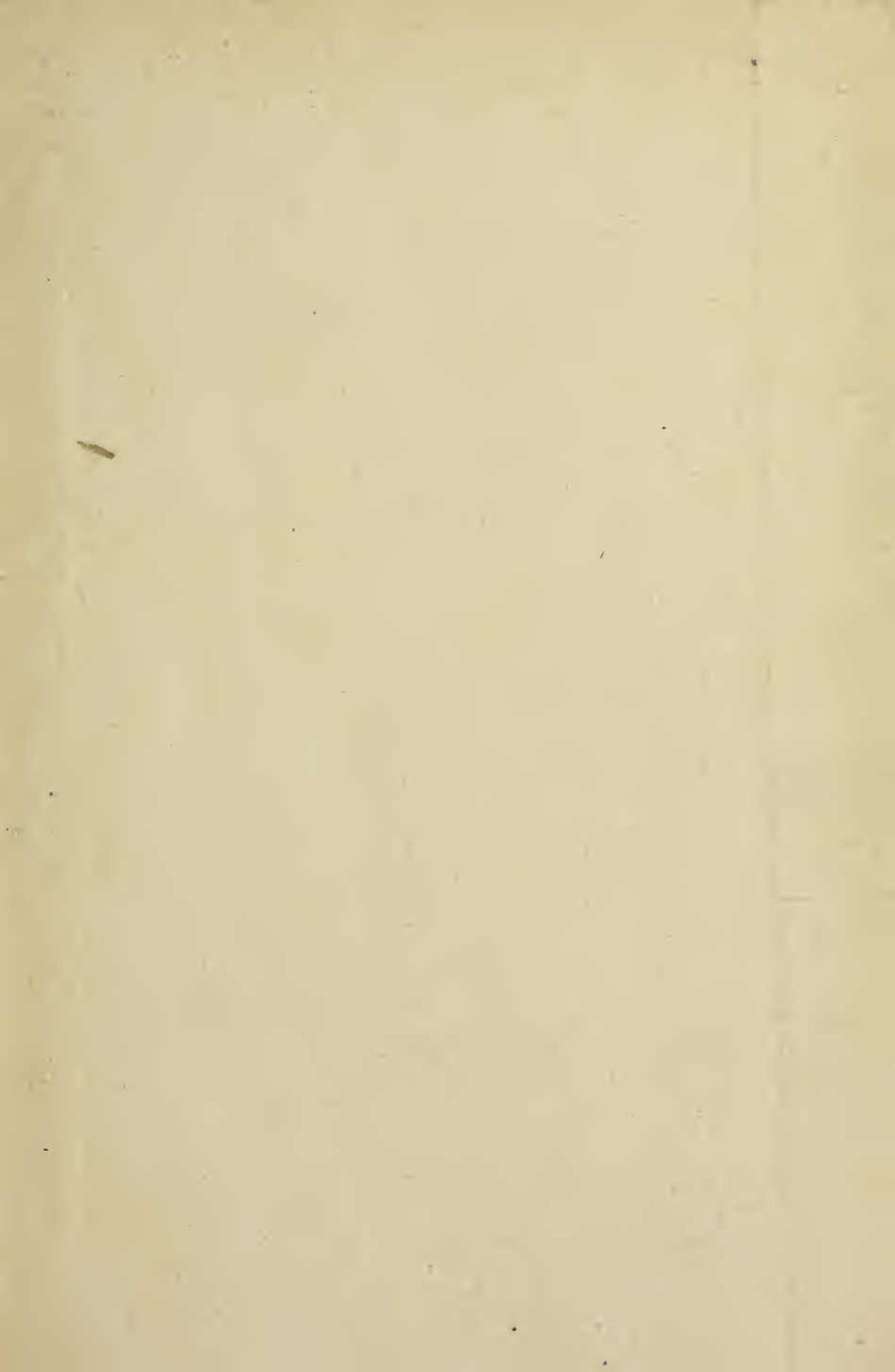
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